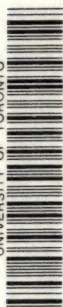


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THE ARCHBISHOPS
OF ST ANDREWS

VOL. II.



THE ARCHBISHOPS
OF ST ANDREWS

VOL. II.

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THE *Formulare* is the most important of the documents which afford materials for the life of Andrew Forman. An account is given in this volume of the writer and contents of the MS., which hitherto has not received from historians the attention it deserves. The biography of Forman is fuller than that of any of his predecessors in the archbishopric. Details of his career before he reached the primacy of the Church in Scotland have been preserved and are now set forth, and the *Formulare* furnishes narratives of his struggle for the archbishopric and records of his administration of the see.

In this volume, as in the first, it has been found convenient to translate years into the new style, and in the text they are given in this form.

J. H.

R. K. H.

THE UNIVERSITY, ST ANDREWS,
March 1909.



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ANDREW FORMAN.

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LIST OF ABBREVIATIONS.

Aberd. R.	= Register of Aberdeen.
Act. Fac. Art.	= Acta Facultatis Artium (St Andrews Univ. MS.)
A. D. C.	= Acta Dominorum Concilii.
A. P.	= Acts of the Scottish Parliament.
Arbroath R. N.	= Black Register of Arbroath.
Brady	= Brady's Episcopal Succession.
C. D. S.	= Calendar of Documents relating to Scotland.
Cal. Charters	= Calendar of Charters in the Register House.
Crail R.	= Register of Crail.
Dunferml. R.	= Register of Dunfermline.
E. R.	= Exchequer Rolls.
E. R. S.	= Epistolæ Regum Scotorum.
Eubel	= Eubel's Hierarchia Catholica Medii Ævi.
F.	= Formulæ (St Andrews Univ. MS.)
Glasg. R.	= Register of Glasgow.
H.	= Henry VIII. State Papers.
Law's MS.	= Law's MS. (Univ. of Edinburgh).
Moray R.	= Register of Moray.
Paisley R.	= Register of Paisley.
Raynaldus	= Raynaldus' Annales Ecclesiastici (quoted by year and paragraph).
R. M. S.	= Register of the Great Seal.
R. P. S.	= Register of the Privy Seal.
Rymer	= Rymer's Fœdera.
T. A.	= Accounts of the Lord High Treasurer.
Theiner	= Theiner's Vetera Monumenta.

THE ARCHBISHOPS OF ST ANDREWS.

V.

ANDREW FORMAN.

THE battle of Flodden, with victory for the arms of Henry VIII., showed that English diplomacy had failed in Scotland. The marriage of James IV. with the Princess Margaret, arranged for purposes of international peace, had bound a man and woman together, but had left their countries to jealousies and intrigues. Eager to avenge injuries done to his subjects, and cherishing sympathy for France, fretted by the Holy League, James had marched across the Border, and had fallen beside his son and his most illustrious men. With another Scottish leader, a Wallace or a Bruce, the issues of Flodden might have been different; but for James, imprudent, rash, and fearless, there was only a

brave king's death, with his best slain around him. In his desolate country there was the mourning of the widow and the orphan; and there was also, even in the first days of the national sorrow, the noise of factions striving for the government. Scotland, indeed, was stricken, and needed the king that was lost. Her peace was broken, many of her wisest were dead, and she was the unhappy land with a child as ruler. Her power, too, in other countries had suffered, and there was no man to continue the diplomacies which James, with the aid of Andrew Forman, had planned for the healing of the nations.

Henry VIII., fighting with France, did not seek to enter Scotland after Flodden and reduce it to a province. None the less he determined to subject it to his power, and to rule through his sister Margaret, the widowed queen. He was to find, however, that to defeat the Scots in battle was an easier task than to destroy their independence. Turning first to the Church, which nurtured prelates who were statesmen, he attempted to exercise authority over it, and trusted that the pope would aid him. He knew and dreaded the political influence a great ecclesiastic could wield; and, to avert danger and remove a stumbling-block in the way of his own domination, he resolved that there should no longer be

a primate. For the king who was slain there was a successor in the infant prince. No man, however, had a right to the archbishopric of St Andrews, vacant by the death of Alexander Stewart, who fell with his father; and Henry decreed in his own mind that he, whoever he might be, who was elevated to the famous episcopal chair should not be the primate of the Scottish Church, and that no other prelate should obtain the metropolitan distinction for his see. The English king accordingly represented to Leo X., the supreme pontiff after Julius II., that Alexander Stewart was but the second Archbishop of St Andrews, and that the bishops of the diocese had been suffragans of York.¹ In addressing the pope he doubtless expected that the plan devised to his own satisfaction would command approval at Rome. Julius II. had pronounced James IV. a schismatic for opposing the papal schemes,² and Leo X., by Henry's expectation, would punish Scotland for trying at Flodden to assist France and injure England.

There is nothing to indicate that Leo, in response to the King of England, ever contemplated the degradation of the Scottish Church; and events were to show that he had his own plan for St Andrews. In any case he was too wise, or perhaps too crafty, to weaken the allegiance

¹ Theiner, 512.

² Ibid.

of Scotland by inflicting a punishment for political opposition to his irascible predecessor. The Scottish Church was not reduced to obedience to the English, and St Andrews did not lose its primacy. Henry had accordingly to seek another opening for his diplomacy, and he saw that his power might be exercised if the prelate appointed to St Andrews owed his place to the English favour.

There was one man in Scotland who by his fine character and long and honourable service to the Church and the State was pre-eminently fitted to occupy the primate's chair, and it suited Henry, as it did Margaret, to favour his appointment. In the sad months after Flodden the wise and venerable William Elphinstone was nominated; but he bore the burden of a great age, his strength was failing, and when he died he was Bishop of Aberdeen, and the see of St Andrews had not been filled. Gavin Douglas, at the death of Elphinstone, obtained the patronage of Margaret, and at the same time the help of Henry, who thought he saw in him a churchman and statesman who would not resent the English rule. Other candidates appeared. John Hepburn, Prior of the monastery, was elected by the Chapter of St Andrews; and James Beaton, Archbishop of Glasgow, made it known that he desired promotion. The pope

himself intervened. Anxious to obtain one of the great sees of the Catholic Church for his young nephew, the Cardinal Cibo, he sought to advance him to St Andrews. He discovered, however, that an Italian would not be acceptable, and fearing to lose the obedience of Scotland, he made a contract with Andrew Forman, Bishop of Moray and Archbishop of Bourges, who eventually was translated to St Andrews.

Buchanan has left a description of Douglas, Hepburn, and Forman, when they appeared as candidates; and it is evident that, though he wrote long after the event, he approved the appointment of Forman. "Alexander Stewart," he says, "Archbishop of St Andrews, fell at Flodden, and there were now three competitors scheming and fighting for his see. Gavin Douglas, relying on his family prestige and his merit as a man and a scholar, the nominee, too, of Queen Margaret, seized the castle of St Andrews. John Hepburn, Prior of St Andrews, was collecting the revenues and holding them in trust during the vacancy. Influential, ambitious, and shrewd, he was chosen to fill Alexander's place by his canons, whose ancient customary right to elect he stoutly affirmed; and, after driving out Gavin's men, he garrisoned the castle in force. Andrew Forman, a great favourite at Rome and at the Court of France for his past services, had obtained from

Louis XII. the archbishopric of Bourges in addition to the bishopric of Moray, the Scottish see which he had always held; while Julius, the Roman pontiff, sent him away loaded with honours and benefices, presenting him with the archbishopric of St Andrews as well as with Dunfermline and Arbroath, by far the richest of the monasteries, and giving him besides a commission as legate *a latere*."

Of the birth of Andrew Forman nothing is recorded, and little is known regarding his parentage. In a deed relating to the bishopric of Moray he was designated "nobilis," and it is probable, therefore, that he belonged or was related to the family of Formans settled in Hutton, Berwickshire. His father's name occurs in none of our documents, but his mother was one of the Frasers; and he himself, while Bishop of Moray, arranged a marriage for Lord Thomas of Lovat, of the house of Fraser.¹ "He had a great love," says the chronicler, "for the Lord Lovat, his halfe cheefe, a Fraser being Bishop Andrewes mother, and after setling State affaires, the Bishop of Murray came with my Lord Lovat and his lady, and delivered her as it were with a sanction in her own dwelling-house." The first definite detail in

¹ Fraser Chronicles, 123. Sir Adam Forman, standard-bearer, "brother of the schismatic Bishop of Moray," was captured at Flodden (Cal. Venet. Papers, ii. 341).

Forman's biography is the fact that in 1481 he was a determinant in the University of St Andrews; and it may be noted that if his family was settled in Berwickshire, within the diocese of St Andrews, he would by custom or fashion be sent to the university of which the archbishop was Chancellor. Two years later, as a licentiate, he obtained the second place in the graduation list.¹ He did not, however, proceed to the Master's degree.² While the year of his birth has not been recorded, it may be reckoned as 1465, since he was a determinant in 1481, and would probably be fourteen years of age in 1479, when he enrolled as a student in the University.³

After leaving St Andrews Forman was attached to the household of the Earl of Angus, "Bell-the-Cat," and at a later time, in 1502, when he had favour of the king and power in the State, he had also the good fortune to assist in the deliverance of his first patron from the castle of Dumbarton, in which for some reason that intrepid lord was a prisoner. Long afterwards Spinelly, the correspondent of Henry VIII., wrote, "He was brought up by the Earl of Angus's father, and assisted to deliver him

¹ Act. Fac. Art.

² Ibid.

³ In Theiner, 525, there is a document which states that in 1517 Forman was about forty-two years of age. In that year he must have been about fifty-two.

from prison.”¹ From the earl’s service Forman passed to that of the king, in connection with which a definite date is found in the royal Accounts, which record in October 1489 a repayment to Master Andro Forman of a sum given away at the king’s command.² In the following year he acted in Rome as procurator for James IV., and entered on his career of service to his sovereign and country. That service James again and again rewarded, and valued till the last days of his reign. At the papal Court the unpleasant duty fell to Forman of refusing a subsidy from Scotland, which Innocent VIII. had requested through Blackader, Bishop of Glasgow.³ James made further use of his procurator, and asked Innocent to give credence to him in reference to a dispute between Archbishop Schevez and Dr Ireland.⁴ The king had also occasion to thank the pope for settling a quarrel between Forman and the Neapolitan ambassador. The young Scot would not yield precedence to the Neapolitan, and was maintained by a papal decision in the place which had immemorially belonged to his country.⁵ Apart, however, from the honour given in the confirmation of Scotland’s superiority over

¹ H., i. 5006. Douglas Book, ii. 100 ; iii. 176.

² T. A., i. 123. See also 128.

³ Cal. Venet. Papers, i. 568.

⁴ Ibid., 595. *Ante*, i. 135.

⁵ Cal. Venet. Papers, i. 596.

Naples, Forman himself received a favour from Innocent, and was able to return home with the title of Apostolic Protonotary. For years, till he reached the episcopal rank, he was designated protonotary, and these years saw him in close association with the king. His dignified office did not prevent him from taking care of the royal wardrobes,¹ and from performing labours which were rewarded with such gifts as a doublet from his king.² From time to time James employed him in kindly charities, commissioning him to convey an offering at a priest's first mass, or to bestow money on the poor;³ and again and again the king played cards with him, pursuing his favourite vice and winning and losing money. In the Treasury Accounts of the period there is nothing more remarkable than the record of Forman's gifts to the king, except the number of these very gifts which James bestowed on other favourites. It is stated, for example, that on January 30, 1507, the ten goblets of silver given by Moray to the king were bestowed on Darcy, the French knight; and that on February 21 James rewarded the lady who brought tidings of the prince's birth with "a grete coup of silvir our gilt," which he had got from the bishop.⁴

¹ T. A., i. 187.

² Ibid., 188.

³ Ibid., 198, 324.

⁴ Ibid., iii. 364, 369.

Lesley the historian narrates, though the statement is otherwise unsupported, that in 1494 a rose and sceptre, marks of the papal favour, were sent to the Scottish king. "The vertuous beginning," he says, "of this younge prince (James IV.) maid his fame and honour to increase amangis all Princeis, quhairthrouch that the Paip Alexander the Sixt send ane protonotar callit Forman in Scotland, with ane roise and septour of gold to the King; desiering him harte-lie to persever in godlynes, honour and vertew, as he had begun."¹ Balfour, who apparently did not recognise in the protonotary the pope's representative, wrote in his 'Annales' that "Pope Alexander the 6 sent his legat, Formaules, to Scotland, quho arriued at Edinbrughe 6 of Junii, 1494, to confort the King, quho wes become werey melacholey and pensiue, in that he had contenanaced thesse that had killed his father. Bot the nuntio, by the pouer giuen him by the Pope, enioyned him a pennance, wich was to weare a chyne of irone about his midle all the dayes of his lyffe, wich he did; and by his apostolick pouer absolued him." Turning to the records of the Scottish Parliament of 1493 we find that laws were passed for the purpose of guarding the royal prerogative against papal encroachments, and that ambassadors were sent to Rome

¹ Cf. Proc. Soc. Antiq., xxiv. 100.

to solicit Scottish subjects to return to the justice of the courts of their own land. The names of the commissioners have not been preserved, but it is evident that the Scottish legislation was not resented, if the pope employed Forman to convey gifts to the king.

Forman's friendly association with James continued, and opportunity was given him to render service, unromantic though it was, in the time of "the counterfeit Duke of York." Perkin Warbeck visited Scotland by invitation of the king, who was glad to welcome the man who threatened mischief to the peace of England. There is certainly nothing to indicate that James ever suspected the good faith of his guest, and the marriage which the adventurer was permitted to make with a Scottish lady showed that his honesty was not doubted. Warbeck crossed the Tweed in his northward journey, and on September 21, 1496, by the royal command, Forman went to meet him; and, later, was with him at "the west see," when the reputed duke "passit his way." On one occasion, to such uses had he come, he received £14 "to quit out" the duke's brown horse that "lay in wed" (pledge) at Ayr.¹ The ignominious detention of the steed was an appropriate incident in the absurd career of the political trickster who had used him.

¹ T. A., i. 299, 300, 343-345.

A few days after Warbeck's departure James renewed the campaign against England, which he had intermittently pursued for the sake of the pretender and his cause. No battle, however, was fought, and there was only the futile siege of a keep. The English, on their part, were not slow to act. The Earl of Surrey, who had 20,000 men, took the castle of Coldstream, and marched to Aytoun that he might occupy another stronghold. It was useless for James to contend against such a force; and he was compelled to agree to a treaty of peace, to last for seven years, which was signed in his name by Elphinstone and Forman.¹ James had taken up the cause of Perkin Warbeck out of chivalry for a distressed prince or from wanton opposition to England; but the restoration to the throne of England even of a legitimate heir was not, as they knew, a mission for the Scots, and they were glad when the truce of Aytoun checked the folly of their king and prevented a war of havoc and disaster.

In an official document bearing on the peace, Forman was designated Protonotary and Prior of May.² The presentation to the priory was a reward for political services, since it could not be for efficiency in priestly duties. The

¹ C. D. S., iv. 1644. Cf. Rymer, xii. 673; Rot. Scot., ii. 535. For expenses of Forman, cf. T. A., i. 364, 365, 374.

² C. D. S., iv. 1644.

king would have no difficulty in securing the presentation for a favourite, as he was in reality the controller of St Andrews, to which the priory was attached, and as the Duke of Ross was to be the administrator. The ecclesiastical carried with it political promotion, and as early as June 3, 1497, the Prior of Pittenweem served as a Lord of Council.¹ On February 7, 1498, Andrew, Prior of Pittenweem, witnessed a resignation of the barony of Auchterhouse,² and the Acts of the Council, June 16, show that with his brother John he was an executor for certain persons deceased.³

An important and delicate diplomatic duty was entrusted to Forman, who was appointed with other Scottish commissioners to arrange a marriage between James IV. and the Princess Margaret of England. Negotiations were begun in 1499, and pursued in following years. A Spanish union had been suggested amidst the vagaries of statecraft; but the proposal was a comedy, since there was no lady whom James could wed. Henry VII., however, had a daughter; and, eager for an international peace, he sought to marry her to the Scottish king. James for a long time was in quest of

¹ A. D. C.

² Cf. Stuart's 'Records of the Priory of the Isle of May,' lxiii.

³ A. D. C. These Acts also show that the prior attended meetings in 1499 and 1501.

a wife, or, more accurately, it may be said that for a long time a wife was being sought for him; and as early as 1493 the Scottish Parliament agreed to augment a tax already promised for "the honorabill hamebringing of a Quene." The wooing of Margaret, if we are to believe Balfour, was not despised or neglected by James. In a narrative concerning the Bishop of Durham, under 1500 of the 'Annales,' it is recorded that "K. James whispers him softlie in the eare, that the only way to England to haue ane perpetuall and lasting peace with Scotland, was to moue K. Henrey to giue his eldest daughter, the Ladey Margarett, to him in marriage." The prelate afterwards entreated him, "without aney delay, to haist his ambassadors to K. Henrey, for the iron was hotte, and best it was to stricke the same." The two kings were not playing with the alliance, and yet for a time the only formal transaction was the issue of safe-conducts.¹ Probably the wishes of Margaret, who was a young girl, were not seriously considered, though, as the suitors of a princess could not have been a crowd, she may have thought gladly of the King of Scotland as her husband. The safe-conducts were numerous, but they were not all used. It is known, however, that during the negotiations Forman

¹ Appendix, I.

was in England, and that Henry rewarded him with a rectory.¹ The delays in these negotiations were no doubt partly due to the extreme care with which details were arranged, but a dispensation from the pope was necessary, and Rome was not often in haste. James and Margaret, descended from John of Beaufort, Marquess of Dorset, were related within forbidden degrees, and papal permission for the marriage was consequently required.² At last, on October 8, 1501, James issued commissions to Blackader, Bothwell, and Forman, who was designated postulate of Moray, to contract the marriage, to settle a treaty of peace between the two countries, and to arrange for extraditions on the Borders.³ Forman was probably the king's most active agent in the preliminary arrangements which led to this commission, as we have evidence that he received money to bestow on the English pursuivant, and was summoned from Pittenweem to meet him.⁴

The marriage negotiations were concluded at Richmond on January 24, 1502, and among the signatures to the treaty was that of A. Moravien. Forman also signed the treaty of peace and an indenture on extraditions. Leland has preserved a description of the closing transactions con-

¹ *Infra*, p. 17.

² Cf. T. A., ii. 54.

³ C. D. S., iv. 1675-6 ; R. M. S., i. 2604.

⁴ T. A., ii. 115, 119.

nected with the marriage, written by Young the Somerset Herald.¹ On St Paul's day, it is narrated, after mass and a sermon from the Bishop of Chichester, the king and queen, accompanied by many lords—including the Archbishop of Glasgow, the Earl of Bothwell, and the Elect of Moray,—proceeded from the chapel in the king's royal manor of Richmond to "the Queen's great chamber." At the "Fyancells," for the celebration of which the illustrious company had assembled, Henry demanded of the Elect of Moray "whither it was the very will and mind of the King of Scotts and full entent, that the said Earle Bothwel should in his name assure the said princesse?" "Which," it is written, "he assured to be true." Afterwards, at dinner in the king's own chamber, Forman sat with the Bishop of Winchester and the Earls of Arundel and Surrey at the lower end of the table. At the close of the celebrations the king "gave to the Elect of Murrey a standing cupp of gold, covered, and 1000 crownes of gold of the solaile, in a goodly bagg of crymson velvet, well garnished." These gifts, and others to Blackader and Bothwell, were followed by the full payment by Henry of the expenses of the Scottish ambassadors.²

The cup and the crowns of gold were not the

¹ Collect., iv. 258.

² Excerpta Hist., 127.

first royal rewards which Forman had received. On May 24, 1498, he obtained licence from James "for the gude service done in lauboring of tender lufe and freendschip, peax and amite" between the two kings, to take "be himself or utheris his kinsmen or frends" any benefice or pension bestowed in England, and to pass and repass with letters close and patent, and to sojourn in England at pleasure. Power was given him, September 29, 1498, to grant to Englishmen sailing to Pittenweem, Anstruther, Earlsferry, and Crail safe-conducts for themselves and protections for their ships and servants, "to be observit like as thai war gevin be the king undir his seles." More substantial than a privilege to issue passports was the favour of October 13, 1498. On that day a pension of 1000 crowns was assigned to him, to continue "till he be promovit to ane bishoprik or abbasy." In the following year, on February 1, the Chancellor, Privy Seal, and Secretary were ordained to issue free, under their seals, all letters to him, his kin, and his friends.¹ As James declared, these rewards were for services in the cause of peace; and Henry, also zealous for peace, did not fail to appreciate the work of the Scottish ambassador when, May 1501, he gave him the rectory of Cottingham, and granted

¹ R. P. S., 206, 216, 260, 272, 330.

a warrant to Thomas of York to institute him.¹ Forman had a genius for obtaining benefits, and only three months after the promotion to Cottingham Louis XII. of France asked the pope to reserve for the Scotsman the see of Moray.² Andrew Stewart, the Bishop of Moray, was able to transact business on September 3;³ but the petition for the reservation, which was presented on August 13, showed that the vacancy in the see was anticipated.⁴ The expectation was not a vain one, and before November 26 Stewart fulfilled it by his death. On that day Forman was provided to Moray, and was described as Prior of May or Pittenweem, licentiate in arts, "nobilis."⁵ In spite of the treaties with England, James was eager throughout his reign to maintain friendly relations with France; and, while there is no record in this period of a visit by Forman to the Court of Louis, the royal intervention in the matter of Moray indicates that somehow he had secured that monarch's good-will. Forman was a master of diplomacy, and the man is to be admired for his success, if not for his cardinal virtues, who commended himself to Henry and Louis, and at the same time did not betray his master.

¹ C. D. S., iv. 1671-2.

² Brady, i. 135.

⁴ Brady, i. 135.

³ Univ. MSS.

⁵ Eubel, ii. 217.

Under the style and title of Bishop of Moray, as has been shown, Forman signed the treaty of Richmond; and as Bishop of Moray, March 2, 1502, attended a meeting of the Lords of Council. In the royal chamber at Holyrood, May 24, 1502, he witnessed a document as Bishop of Moray and Commendator of Pittenweem and Cottingham.¹ Small though the favours were, he obtained, before his promotion to Moray, the marriage of the heir or heirs of Hilhouse;² and, after his promotion, he and his brother John secured the non-entry of the lands of Rutherford, with the marriage of Katherine and Helen, the heiresses.³

The formalities antecedent to the royal marriage were not completed at Richmond. In the Cathedral Church of Glasgow, December 10, 1502, a solemn oath of adherence to the treaties was taken, with Forman as one of the witnesses; and he acted as one of the commissioners at the interchange of the ratified treaties. Further, he was a witness to the assignment of the Princess Margaret's dowry, and was present at the Parliament which agreed

¹ Cal. of Charters (Register House), 651. On Nov. 25 he witnessed resignation of Eskdale by Angus (Douglas Book, iii. 178).

² R. P. S., 819.

³ R. M. S., i. 2677. John Forman afterwards married Helen (ibid., 3014). On January 20, 1503, in the A. D. C., the bishop is designated tutor to Helen Rutherford. See also R. P. S., 1680.

to grant it.¹ When the legal arrangements were completed there was only the wedding itself to follow. It was not proposed that the King of Scotland should be married in England, and it was certainly not expedient for him to leave his country, even to bring back a wife. He accordingly commissioned Forman to conduct Margaret to Scotland; and when the ambassador was in England he gave a solemn promise that James would not renew the league with France till he had consulted with Henry or was further advised.² According to Young's narrative, "Margaret Quene of the Scotts" left Coleweston on July 8, 1503, and in her company was "the Reverend Father in God my Lord the Bishop of Morrey, Embassador of the King of Scotts, well and honestly arrayed, the wich thorough all the voyage accompanied the sayd Quene." At Tuxford she was met by the vicar and other church folks, and the Bishop of Moray gave her the cross "for to kysse." The ceremony of the cross was repeated at "Pontfret" and Allerton. At York, amidst

¹ C. D. S., iv. 1691-2, 1696-7, 1736. Among the witnesses to the interchange were James Forman, rector of Akworth, and John Forman, Lyon King of Arms.

² C. D. S., iv. 1728; Appendix I., 37. Henry wrote on June 27, and the letter was apparently sent by Forman's messenger, Sir John Home of Duns. The sum of 40 French crowns was paid to Hume to pass to England with the Bishop of Moray (T. A., ii. 374).

great ceremony, she was accompanied by Forman when she went to hear the high mass by the archbishop. Leaving Berwick, the stately procession reached Lamberton kirk, where the queen was received "of the parte of the Kinge of Scotts" by "the Ryght Reverend Father in God my Lord the Archbischope of Glasco." According to the record, "my Lord the Bischop of Morrey strongly did his devor at the semlynge of the two partes"; and he, with the archbishop and "the counte," advanced toward the queen, and kneeling down to the ground "mayd the receyvinge." The night after the ceremony of "receiving" was spent by Margaret at Fast Castle, where she was welcomed by the lord of the place and the lady, "suster of the said Byschop of Morrey." At Newbattle the king joined Margaret, and there several days were spent by the goodly company. On one of the days Forman supped with them. Entering Edinburgh, Margaret was received by James, followed by the Archbishop of Glasgow, the Bishop of Moray, and the Earl of Bothwell. The day before the marriage, in the great chamber of Holyrood, Forman went round with the queen, telling her the names of the ladies assembled there; and on the next morning he conducted the English lords to the king. In Young's narrative there is no further mention

of Forman; but the king's gratitude to the bishop was shown when Sir Andrew Wood of Largo was instructed, September 7, 1503, to deliver Dunbar Castle, with the mains, corn, and cattle, and also the artillery, to the Bishop of Moray.¹

In the first days after the wedding Margaret was not happy, and she wrote to her father complaining of the conduct of Surrey and Forman. She was a child, "having twelve years in age" in November before the "fyancells," and may have been a wilful child who did not get the things she desired. In her letter she said: "Sir, as for newys I have none to send, but that my lorde of Surrey ys yn great favor with the Kyng her that he cannott forber the companey off hym no tyme off the day. He and the bichopp off Murrey ordereth everythyng as nyght (nigh) as they can to the Kyngs pleasur. I pray God it may be for my por hartts ease in tyme to come. They calnot (call not) my Chamberlayne to them, whych I am sur wull speke better for my part than any off them that ben off that consell. And iff he speke any thyng for my cause my lord of Surrey hath such wordds unto hym that he dar speke no furer. God send me comford to hys pleasur, and that I and myne that ben lefftt her with

¹ E. R., xii. 344. Cf. 179. R. P. S., 978.

me be well entretid such wayse as they have taken. For Godes sak Syr, ould (hold) me escwsyd that I wryt not mysylf to your Grace, for I han no layfyr thys tym, bot wyt a wishse I would I wer wyt your Grace now, and many tims mor, wan I wold andsyr.”¹

In the marriage negotiations Forman rendered important service; and while gifts were bestowed on him, the bishopric of Moray was the most substantial reward in money and place. Louis XII. had intervened in his favour, but without the consent of the Scottish king there would have been no promotion. Bulls were issued from Rome, December 6, 1501, and on the 15th the bishop's proctor paid the stated tax of 1200 florins *auri de camera*.² The see had become vacant, as has been shown, by the death of Andrew Stewart, who sought in the days of James III. to elevate himself to St Andrews by the degradation of Archbishop Schevez. As Bishop of Moray, Forman did nothing of note for his diocese or for the Church in Scotland; and indeed his episcopal office served mainly to give him high rank, and to provide him with a salary in his political career. In his age, and before and after, churchmen were required for civil affairs, as their intellectual training was

¹ Ellis's Letters, i. 41.

² Brady, i. 135.

generally beyond that of laymen. It was, of course, a technical misuse of money given for the ends of piety when it was devoted to the support of prelates who were statesmen; but the expenditure was to the public advantage, even while it did not directly serve the welfare of the Church. Forman, in Moray, was certainly not a zealous prelate with a high reputation for ruling the priests, guarding the churches, and exciting men to piety and righteousness. None the less, in affairs of the State he was an able diplomatist, whose practice in England the king approved and rewarded, and whose tact was further to be tested in France and Italy, when Louis XII. and Julius II. were at strife.

The bishopric of Moray was founded by Alexander I.; and in 1224 the episcopal see, transferred from Spynie, was located in Elgin, where it remained till the fall of the Catholic Church. The cathedral in that city was more than once restored, and the stones still show what the splendour was before the ruin. One of the bishops, writing to Robert III., described the building of his own day.¹ It was, he said, "for the number of them that served and the rich beauty of the house, Scotland's own glory, the boast of the realm, a delight to the stranger,

¹ Moray R., 214.

the praise of thronging pilgrims, and a theme of high renown among kingdoms abroad."

The castle of Spynie, which stands now a grim and ruined pile, was the episcopal palace of the later bishops; and on one occasion—October 12, 1505—James IV. was Forman's visitor.¹ In the Register of Moray there is no record of any important transaction by Bishop Andrew, though his name is twice mentioned in it—once in a document "*Processus de davacha de Aberkerdour*," and once in a collation to the canonry and prebend of Duffus. The notices of his work in Moray are indeed few. There is the unimportant detail that on April 1, 1509, he directed from Elgin Cathedral the rural dean of Inverness to invest a chaplain;² and there is also an injunction exhibiting peculiar zeal by a prelate who again and again was away from his diocese. Two canons of the cathedral church were commissioned to secure the residence of all canons and prebendaries, according to the statutes; and the bishop declared that non-residence caused "no little damage to this church in matters spiritual and temporal."³

For some years after the royal marriage Forman's career was singularly uneventful. He is named from time to time in the Treasurer's

¹ Records of Elgin (New Spalding Club), i. 24.

² Cal. Chart., 734.

³ F., 52.

Accounts and the Exchequer Rolls, mainly in connection with his own affairs and the audit of public accounts. Records show that he attended meetings of the Parliament, was a Lord of Articles, a Lord of Session,¹ and a Lord of Council.² The political relations of the two countries did not demand his presence at any crisis at the Court of the English king, but Henry VII. must have used his services, or desired to treat him graciously for his own ends, since on July 5, 1505, he gave him a sum of £60.³ In his domestic life we hear of the bishop bestowing and receiving gifts, and in his household we learn that he had a "lutair" and a "taubronar."⁴ "Andro, Bishop of Murray, our traist consalour," a phrase used in a legal document, expressed James's genuine feeling, and indicated the relation in which Forman stood to his king.⁵ Rewards showing the royal favour did not fail. The bishop with his brother, Sir John, secured, February 2, 1506, the ward, relief, and non-entry of Lochirmacus, Berwickshire,⁶ and on September 8, 1507, a lease was obtained for nineteen years of the King's Mains of Dunbar. Entrance was to be obtained on September 1 of the following year, and the rent was fixed at 550 merks Scots. The Treasurer, for the king, sold to Forman the goods,

¹ A. P., ii. 262, 266, 239, 248.

² Dunferml. R., 375.

³ Excerpta Hist., 133.

⁴ T. A., ii. 439; iii. 403.

⁵ Criminal Trials in Scotl. (1488-1563).

⁶ R. P. S., 1212.

victuals, and gear on the Mains.¹ The offices of captain and keeper of Darnaway Castle, forester of Darnaway forest, chancellor of the lordship of Moray, and customer beyond the Spey, were conferred on the bishop, March 2, 1508; and a short time afterwards he secured the ward of the lands of Hilhous, and he and his brother obtained the non-entries of Rutherford and Wellis in Roxburghshire.² There was also the gift on May 10, 1509, of the "Kers of Innes," granted by James as tutor of the Earl of Moray.³

Custom permitted the prelate to traffic in these posts and places beyond the pale of the Church, and to enrich himself by labour unconnected with any cure of souls. He was, however, to be entrusted with duties which required him to leave his forest and his farms, though resignation of the offices was not demanded. For some reason—doubtless connected with the schemes of Julius II. for the unification of Italy—James proposed to send him to Rome, and in March 1508 asked Henry VII. to grant a safe-conduct.⁴ Whether it was given or not, Forman did not set

¹ R. P. S., 1529, 1534. A new lease was granted, August 26, 1510 (ibid., 2120).

² Ibid., 1628, 1629, 1630, 1658, 1680. *Supra*, p. 19. On Sept. 23, 1508, he was commissioned to set the lands of the lordship of Moray (ibid., 1734).

³ Ibid., 1882.

⁴ C. D. S., iv. 1748. Forman was in Scotland on March 19 (T. A., iv. 107).

out for the papal city, and another mission was entrusted to him. In spite of treaties, the relations of England and Scotland were becoming strained. Henry was naturally jealous of Scotland's attachment to France, even though it had been formed of old, and his suspicion was roused when he learned that James had been asked for 4000 men. These were to be landed at Genoa or Savona, and were to join the French in guarding Milan against the uncrowned emperor.¹ Maximilian, after declaring at Constance that France was plotting to deprive the German nation of the empire, and was scheming against the pope, had asked the diet to aid him in an expedition into Italy. Louis in preparing his military defences had turned to Scotland, and Henry observed with anger the friendship of the two sovereigns, even though he knew that the 4000 men could not be lent. The English king, however, was not ready for a war with Scotland, and, in any case, the treaties had not been violated. Angry though he was, he could not punish and harm James, but he could make him feel that his hand was heavy. The Earl of Arran and his brother, Sir Patrick Hamilton, who were passing through England to France without a safe-conduct, as many other Scots were doing, were seized;² and, in spite of the complaints of James, he failed to punish the

¹ E. R. S., i. 83.

² Mem. of Henry VII., 105.

murderers of Sir Robert Ker, the warden of the Middle Marches. Amidst these jealousies he sent Wolsey as his agent to Scotland to show that the peace secured by the treaties was in danger;¹ and James in turn, who also had no wish for war, commissioned Forman to proceed to the English Court. In Balfour's words, "The Bischope of Murray is sent ambassador to England for renewing of the peace and leauge betuix the kingdomes, wich had begune to stager, and weare weake; wich he ratified and assurid, to the grate contentment of both kinges." In connection with the embassy the records show that the Bishop of Moray, the Dean of Glasgow, and Sir John Forman received protection and respite for a journey to England, to endure forty days after return.²

Before the departure of the bishop to England Bernard Stewart, Lord of Aubigny, arrived in Scotland as ambassador from the Court of France. Though a Frenchman by the settlement of his family in France, Stewart was a Scotsman by name and descent, and no one was better fitted to strengthen the friendship of Louis and James. His influence, however, was short-lived, and was ended by his death, which took place a

¹ Letters of Rich. III. and Henry VII., i., lxi.

² R. P. S., 1683. The Islay Herald went with him on May 30 (T. A., iv. 118). He went back to him on July 9 (*ibid.*, 133). Papers were sent to Forman at Berwick on July 24 (*ibid.*, 135).

month after his arrival. Lindesay of Pitscottie assigns the famous tournament of the Black Knight and the Black Lady to the period of Stewart's mission, and tells of a banquet and of a play which by craft or "igramancie" caused men to see things appear "quhilk was nocht." At the end of the play, he narrates, "thair come ane clwdd out of the rwffe of the hall as appeirit to men and opnit and cleikkit vp the blak lady in presence of thame all that scho was no moir seine bot this was done be the art of Igramancie for the kingis pleasour (by) ane callit Bischope Andro Forman quha wass ane Igramanciar and seruit the king at sic tymes for his pastyme and pleasour."¹

Wolsey, whom Henry had sent to Scotland, wrote to his master in April giving an account of his mission. He narrated that James, who was stiff-hearted, would make no intercession for the deliverance of the Earl of Arran, but that "my Lord of Murrey" had in the royal presence asked him to write on Arran's behalf. In regard to the league between Scotland and France, Wolsey reported the words of James, that if Henry would be to him as his father, he in turn would be in all things as a loving son; but he had also to tell that the whole body of the people,

¹ Cf. Dunbar's poem, "Of ane Blak-Moir." The tournament took place in June 1507 (Pitscottie's 'Chronicles,' Scott. Text Soc., Introduction. See also T. A., iii., Preface, 46).

as well the commons as the nobles, say boldly "that the kyng doth to them all expresse wrong yf he renue nat thys old lege." "And all hys," he added, "the byshop of Murrey except, dayly kallyth apon hym for the same: ther be no more that stykyth in thys matter, but only the kyng, the quene, and the byshop of Murrey." In reference to the visit of the French ambassador Wolsey wrote, "If I shuld nat be here at the comyng of the Lord Daubeny, as yet he ys nat kom, the Kyng of Scotts wyllled me to shew to your grace, that efter he hath perfygtly knowne the cause why the seyd Lord Daubeny komyth, streyt ther apon the byshop of Murrey shal kom to yow with report."¹

Little is known of the details of Forman's visit to England. The assurances, however, which were given in name of James must have satisfied Henry, as peace was maintained. In the 'Memorials of Henry VII.,' under date June 16, 1508, it is stated that the Bishop of Moray, "Scotus Orator," arrived with a distinguished company, at Greenwich apparently, and announced the pregnancy of Queen Margaret; and it is mentioned that on the 18th they went to the church of

¹ Letter given in Pinkerton's Hist. of Scotl., ii. 445. He attributes it to West. It was written by Wolsey (cf. Letters of Rich. III. and Henry VII., i. Preface, lxi). In a note (Hist., ii. 62) Pinkerton says, "In June the Bishop of Moray arrived to solicit Arran's discharge; but he left London in July after an ineffectual embassy."

the Augustinians. A Scottish bishop, the 'Memorials' further narrate, was with the king in the middle of July, and on the 20th the Scottish orator left. After his return Forman continued in friendly association with the king and queen, and with James Beaton, postulate of Glasgow, accompanied them on one occasion to St Andrews. Lesley narrates that James and Margaret "passit to Falkland, quhair they remanit till the next zoill, quhilk they keipit with thair nobles in Sant Androis, with greit triumphe and banqueting." A question of precedence arose. What place was the rector of the University to hold? It was recognised that he ranked immediately after the Archbishop of St Andrews. Alexander Stewart, however, was in Italy, and custom had not settled the position of the rector in relation to other prelates. The problem, grave or gay, which, affected the Church and its representatives, was settled in favour of the rector, who took precedence of Moray and the postulate of Glasgow.¹

The accession of Henry VIII. to the throne of England required James, according to the good manners of the times, to send congratulations; and Forman, who had been ambassador between, as James wrote to Henry, "umquhile youre and our dearest fader (quhom God assolize) and ws," was commissioned to the English Court. In the

¹ Act. Fac. Art.

preparations for departure, protection and respite, under the Privy Seal, July 25, 1509, were granted to the bishop and his chapter, and to Pittenweem, to continue till his return and for forty days thereafter ; and on September 15, at the request of Robert Forman, Dean of Glasgow, another privilege of respite was sought for the bishop.¹

The suggestion has been made that Forman was sent to England to obtain certain jewels left by Henry VII. to Margaret.² The acquisition of the jewels, however, could not have been the main object of the mission, since the royal greetings were communicated to the English king and the existing treaty renewed.³ A custom of the time was not neglected when Forman received the sum of £100. A hart, too, was conveyed to London by Henry's orders, for the use of the bishop and his companions.⁴

"The French party," Buchanan narrates, "succeeded in getting Andrew Forman, Bishop of Moray, sent to England, where he was to demand from Henry a considerable quantity of jewellery in gold and silver, chiefly female ornaments. These valuables were said to have been left by Henry's brother, Arthur, to his sister

¹ R. P. S., 1915, 1934.

² Cf. Fraser's *Elphinstone*, i. 56.

³ Rymer, xiii. 261. H., i. 369, 475.

⁴ H., ii. p. 1443. In November 1510, and again in 1512, he received £100 from Henry (*ibid.*, pp. 1448, 1454).

Margaret, who, as we have seen, married the King of Scots. Henry may well have conceived that the real object sought was a pretext for war: he replied, however, in friendly terms. Not only was he ready, he said, to pay any debt owing to James; he would go further and supply a pressing need. Upon hearing this James had determined to assist France, if he could find any other means of doing so, but to abandon all thought of invading England. Accordingly he sent Forman into France to inform Louis of his intentions."

After the visit to the English Court the Bishop of Moray, on December 26, 1509, as the Privy Seal Register shows, was admitted to the temporality of Dryburgh. The king, it may be taken, had aided his servant in obtaining the abbey, and for political services had added to the bishop's ecclesiastical possessions.¹ Dryburgh was a foundation of the White Friars, and though he was not one of them, and could not be their abbot, custom permitted him to be the commendator of the abbey.

More important duties than the presentation of royal congratulations were in store for Forman, and he was to pass beyond the seas to other lands and other Courts. The schemes of Julius II., a maker and breaker of treaties, incited the

¹ R. P. S., 1975.

Scottish king to enter the field of Continental politics, and led him to send his trusty counsellor to France and Italy.

For nearly four years, till he returned to the archbishopric of St Andrews, plans of peace and war, affairs of the Scottish Church, and personal business detained Forman almost continuously in these countries. On February 20, 1511, the Venetian Senate were addressed by their ambassador in England, who intimated that the Bishop of Moray was on his way to Italy and would confer with them.¹ The object of the mission was not specified, but, knowing that the Kings of Scotland and France were friendly, they would understand that their own troubled relations with France and the papacy had provoked the intervention of Scotland.

Julius II., of the long line of Roman bishops designated, by themselves and the faithful, Vicars of St Peter or Vicars of Christ, was pre-eminently the military pope—the one who mobilised troops, paid mercenaries, and even commanded besiegers.

At the memorable meeting of Francis I. and Leo X., at high mass in the Church of San Petronio in Bologna, many of the French nobles made open confession of their guilt in fighting against Julius and disregarding the ban of ex-

¹ Cal. Venet. Papers, ii. 95.

communication. "Your Holiness must not be surprised," said the French king to Leo, "that all these men hated Julius II., for he was our greatest enemy; in all our wars we have had no enemy so terrible as he, for Julius II. was indeed a most capable general, and far better suited to be such than to be Pope."¹

The imperial power of the popes had been shattered at the fall of Boniface VIII., the enemy and victim of Philip the Fair, and after two centuries with their vicissitudes the papacy represented by Julius sought to make itself the central power and authority of a unified Italy. Alexander VI. had laboured for the territorial aggrandisement of members of his family, to whom as pope he could not be a father. Julius II., though not spared the just judgment of evil repute, had ever before him the exaltation not of a family but of the Roman see; and for his ends carnal weapons were freely used. Wars were waged and rumours of war were heard. In the bitter satire, 'Julius II. Exclusus,' which Erasmus repudiated and probably wrote, the ignoble hero, standing outside the gate of heaven, tells St Peter that in the interests of the Church he had brought France and the empire into line against the Venetians, had stirred up Spain to check the French, had separated the emperor

¹ Raynaldus, 1515, 33.

from the French, and had involved the English, who had not only an hereditary hatred of France, but also an old feud with the Scots, a fierce race eager for war and plunder. The restless Scottish king, with no direct interest in the quarrels which divided or united Julius, Maximilian, Louis, and Henry, was yet "Protector of the Christian religion," and he hated England and loved France. When the nations were busy he had to suffer isolation in Scotland. He could not leave his country to hurry as a director of politics from France to Italy, and from Italy to France. But Forman was his own man, and he sent him into the midst of the intrigues, bringing him into touch again and again with the scheming pope, who used the Scottish prelate and rewarded him with promises.

Julius, on his elevation to the papal chair, determined to acquire the Romagna, which, in spite of an association of centuries, had been separated from the patrimony of St Peter. In this policy Venice, which exercised a protectorate over the coveted territory, was involved. The fixed ambition of the pope, as has been noted, was to increase the possessions of the Holy See, that it might be the ruling power in Italy; but Venice with its strong military force opposed him. By the treaty of Blois of 1504, to which Louis XII., Maximilian, and the Arch-

duke Philip were parties, Julius hoped to crush the Venetian power. The treaty failed, however, and he had to content himself with the humbler policy of obtaining the Romagna. Securing the assistance of France, and commanding the neutrality of Venice, he entered on a campaign, in 1506, for the seizure of the territory, and was successful. Yet Venice remained strong, and by its independence frustrated his scheme for a united Italy. For a time, however, the republic was safe from menace, as France required the pope's attention. A revolt of Genoa, over which Louis had lordship, was crushed, and Julius feared that the French would seek to widen their sphere of power in Italy. The alarm was groundless, and once more he directed his care to Venice, which had meantime triumphed over the forces of Maximilian, and was negotiating a league with France and Spain. A plan for the humiliation of the republic was matured, and on December 10, 1508, the League of Cambrai was signed by the representatives of Maximilian and Louis. The Venetian territories were to be divided, and the pope was to receive the lands which had been alienated from the Church. Julius joined the league in 1509, and in that year the French defeated the Venetians. He had, however, overcome one difficulty merely

to raise another. Venice was weakened, but the French were established in Milan, where their presence was fatal to the scheme of unification. A dispute with Louis over a bishopric proved to Julius that he had made a fatal blunder in negotiating the league. Once more the machinery of diplomacy was set in motion, and he was quick to take advantage of the situation created by the English. Amidst the intricacies of statecraft the hopes of the Venetians were roused by the assurance of friendship from Cardinal Bainbridge, the representative of Henry VIII. who had succeeded to a throne and inherited a tradition of enmity against France. The astute pope saw that Venice, were England to aid her, might be his strength against France, and that even without help from England she might, having suffered humiliation, be glad to unite with him as an ally. In the beginning of 1510, after terms made with Venice, Julius broke from the League of Cambrai and soon afterwards was at open feud with the French. A military compact with the Swiss, which had existed for ten years, came to an end, as Louis would not renew it on the old conditions. The pope now entered the market-place and purchased the service of a Swiss force of 15,000 men, who were to march into Lombardy. These men, however, failed

when war was declared against the Duke of Ferrara, whose territory Julius desired to change from a fief into an estate of the Holy See. They were but mercenaries after all, and French gold bribed them to treachery. The Duke, with France for an ally through the treaty of Cambrai, was able to preserve his territory; and, angry though Julius was with him, he was still more wrathful against Louis. The French king, had he resolved to use his whole military strength, might have crushed the pope as a temporal ruler; but he probably dreaded the attack of the indignant nations, and perhaps the blow of the spiritual arm. Seeking satisfaction by means not carnal, he demanded, at a synod held at Tours in the eventful year of 1510, that a General Council should be summoned to condemn the warlike policy of the pope, and to justify his own opposition to his Holiness. While calling for a Council, he did not allow his soldiers to be idle. Bologna, in the possession of the pope, was threatened, and might have been taken, and Julius himself captured, had Chaumont, the French general, grasped the favours of fortune. The city remained to the pope, who, however, knew his military weakness, and was aware that little help was to be expected of the Venetians so long as they had no strong soldier to lead

them. In his straits he persuaded them to release their prisoner, the Marquess of Mantua, and to appoint him commander of their forces. Finding, however, that the man after his release was useless for his purpose, the pope placed himself at the head of his army, and in January 1511 began an attack on Mirandola. Could the city be seized, and with it the castle of Concordia, the French might be kept from Ferrara, and Ferrara itself be taken. The attack lasted from the 6th to the 19th of January, and Julius, with the appearance, talk, manners, habits of a soldier, led his men, and at last the city surrendered. Ferrara, however, was too strong, and in February the Duke defeated the combined papal and Venetian forces. In the same year the French obtained Bologna, and the gates of Mirandola were opened to them. Julius had hopelessly failed in his military plans, and once more he had recourse to diplomacy. On October 5, 1511, the terms of a new league, the Holy League it was called, were published in Rome, and to it the pope, Ferdinand of Spain, and the Venetians were parties. It was arranged that time should be given to Henry VIII. and Maximilian to join it, and on November 17 the English king gave his adherence. The avowed purpose of the league was the

defence of the Church and the recovery of Bologna for the pope.

James IV., as early as 1507, received gifts from the Bishop of Rome, and with them the title of "Protector of the Christian religion." His devotion to the Holy See was sincere, while, on the other hand, his attachment to France was strong. The Scottish king, if any one could do it, was the man to act as peacemaker between Louis and the pope, and he determined to intervene through Forman, his skilful diplomatist and trusted agent. Before leaving Scotland, Forman obtained an important privilege, which Acts of the Scottish Parliament required him to secure if he was to pursue his ecclesiastical fortunes at the Court of Rome. By his writing of October 15, 1510, James gave licence to his faithful counsellor, Andrew, Bishop of Moray, Comendator of Dryburgh, Pittenweem, and Cotingham, to seek in the Roman Court or without it any archiepiscopate, episcopate, or prelacy which might fall vacant in Scotland; also to impetrate any benefice for Master John Forman, precentor of Glasgow—and these without danger of accusation under any Acts.¹

In his preparations for the mission James wrote to the Marquess of Mantua, October 22, 1510, and intimated that he was sending the

¹ E. R. S., i. 110.

Bishop of Moray to negotiate a general peace, and to reconcile the King of France and the Venetians. He asked the Marquess to promote the interests of the Scottish envoy, and assured him that such help would be counted a personal favour owing to "ties of blood."¹ Credit may be given to James that he was honestly seeking peace. He probably knew that the Marquess was friendly to Louis, but did not understand that Julius would not depart from war, and could not foresee the Holy League and its menace to France.

Before the Holy League was formed, Julius, who was in political difficulties, as has been shown, made use of the Bishop of Moray. The earliest document which throws light on Forman's movements is a letter of De Burgo to Margaret of Austria. On December 29, 1510, writing from Blois, he reported that the Scottish ambassador had gone to the pope, on behalf of the Kings of Scotland and England, to procure universal peace, and to propose a crusade in which James wished to have the naval command.² It is evident, though no copy of a commission exists, that Forman had authority to treat in the name of Henry. According to information which reached Maximilian's Minister, the Bishop of Gurk, in

¹ Cal. Venet. Papers, ii. 85.

² Glay, *Negotiations between France and Austria* (Documents Inédits), i. 375.

February 1511, Forman was on his way to Parma.¹ Mirandola had fallen in January, and after his victory Julius was engaged in plans against Ferrara, and was endeavouring to detach the emperor from Louis.

Opportunities would be afforded to the French king of holding communication with the ambassador of James, who passed through France on his way to Italy, but the first of his letters that has come down to us was written in reply to a despatch which reached him early in the month of February. The king acknowledged the admirable intentions revealed in Forman's mission, and professed a desire to be at peace with Julius. He explained, however, that his own treaty with Maximilian debarred him from independent action, and suggested that Forman should proceed to Mantua, where the Bishop of Paris was to confer with Lang, the Bishop of Gurk, and the envoys of other princes.² Louis added that his representative would explain the diplomatic situation, and assured the Scottish ambassador of the confidence which he himself reposed in his discretion. "*Comme tousjours je vous ay dit,*" he continued, "*je suis amateur de paix et m'a despleu et desplait tresfort ce qu'est survenu entre nostredit Sainct Pere et moy*

¹ *Lettres de Louis XII*, ii, 109.

² The conference was fixed for Feb. 15 : H., i, 1458.

duquel j'ay souffert et enduré tant que j'ay peu et jusques à ce que à tres grand regret et desplaisir j'ay esté constrainct de me deffendre et faire ce que vous voyez le tout pour la conservation de mon honneur de mes estats et celluy de mes amys." ¹

In spite of the king's advice Forman did not proceed to Mantua.² He and Lang were at one, however, in their efforts to bring about a good understanding between the pope and Louis, though Maximilian's envoy was prompted by the ulterior motive of isolating Venice. Julius, on his part, created Lang a cardinal *in petto*, and sought to form a coalition with the Venetians and Maximilian against France.³ In the midst of this diplomatic contest Forman may have obtained an audience of the pope at Ravenna or Bologna: he was able, at all events, to send to the Bishop of Paris certain articles for intimation to Louis. A fundamental condition was the abandonment of the Duke of Ferrara, as the French king was bound by previous agreements not to take under his protection a vassal of the pope. Julius desired to be left in possession of the territories which he had acquired, demanded from Alfonso the payment of the *census consuetus*, and stipulated

¹ Lettres de Louis XII, ii. 110.

² Cal. Venet. Papers, iv. 1048.

³ Cf. Pastor, Hist. of the Popes, vi. 346.

for the surrender of Comacchio. The Duke would be further required to present himself humbly before the pope and be invested in Ferrara *de novo*. Should these proposals be disagreeable to Louis, he was to offer his own suggestions for an accommodation, and they would be laid before Julius by Forman, who hoped for success in view of the good disposition exhibited by his Holiness towards the king. The Bishop of Paris was earnestly reminded to report one utterance of the pontiff, in which he went so far as to promise a male child to Louis as the reward of a wise deference, and announced his readiness to pray Almighty God for so happy an issue. It was also stated that the levying of a crusade in the French dominions would be understood to follow an agreement, and Forman, with a pardonable sense of his importance, drew attention to the enthusiasm with which the King of Scots contemplated a united enterprise of Christian princes against the Turk.¹

Negotiations at Bologna, where the papal Court was being held, broke up on April 25, *rebus ruptis et infectis*, and Lang departed in an angry mood. He met the Bishop of Paris at Modena, and travelled in his company to Parma. Forman, who did not abandon hope,

¹ Lettres de Louis XII, ii. 114.

followed them from Bologna, as he had tidings which might prove not ungrateful. An interview on May 1 did not induce Lang to postpone his return to Maximilian.¹

The Bishop of Paris, who was at Piacenza on May 3, wrote to Louis that he was waiting two or three days for a communication from Forman. The Bishop of Moray had apparently returned to the papal presence, bearing stipulations with regard to Ferrara and the Venetians;² and the French prelate now asked his master whether, if the pope accepted these conditions, he should retrace his steps, adding that Lang would, he believed, accompany him if the emperor was satisfied with regard to the Venetians. There was no great hope, indeed, that Forman would succeed; but it was important that Louis should not seem responsible for failure, and his envoy proposed to remain where he was till a certain day, in fulfilment of an undertaking given to his fellow diplomatists.³

Meantime Forman kept up a correspondence with the French bishop, who forwarded to

¹ *Lettres de Louis XII*, ii. 205.

² On May 7 the Doge and Senate, communicating with their ambassador at the papal Court, "allude to what the pope had told him concerning the announcement made by the Scottish ambassador" (*Cal. Venet. Papers*, ii. 103).

³ *Lettres de Louis XII*, ii. 206.

Louis, and also to Lang, copies of the letters, and transmitted a communication addressed direct to the Austrian by the Scottish ambassador.¹ Close upon these bulletins followed the account of an audience with Julius. Forman had a good reception, he said, and remained with the pope for more than two hours. The articles drawn up in conference at Parma were fully explained. The Spanish ambassador, who was present at the interview, would report to Gurk what passed in regard to the Austrian representations: as to the views of Louis, they elicited from Julius the answer that upon the arrival of the Bishop of Paris a settlement would no doubt be reached. The pope added that failure would not be due to any fault of his, and that he contemplated with satisfaction the prospect of an honourable accommodation touching "le sel Commacre,"² the expense to which he had been put, and other matters discussed in the articles. The Bishop of Paris would receive assurances calculated to satisfy Louis, and it was particularly requested that he should be accompanied by the Comte de Carpi.³

¹ Lettres de Louis XII, ii. 216.

² The Duke "persisted in working the salt marshes of Comacchio, to the detriment of the papal monopoly at Cervia." Cf. Pastor, vi. 328.

³ Maximilian had sworn to observe the treaty of Cambrai in presence of these two. Cf. Lavissee, Histoire, v. 88.

Forman added his personal opinion that the advent of the French prelate was eminently desirable; there was no doubt that the pope had expressed a wish for peace and would make him welcome; encouragement was found, too, in the pacific efforts of "Monsr. de Pavye." The bishop was to intimate the time of his arrival in order that Forman might make every preparation to receive him, and send out the requisite number of horses.

Returning to the subject of the negotiations, Moray assured his correspondent that nothing in regard to Ferrara had been kept back from Julius, who was aware "*que pour riens le Roy n'en laisseroit la protection.*" Maximilian's interests would be secured just as well by representations from the envoy of Louis as by the presence of Lang; indeed, as the important point was the relation between the pope and the king, a settlement of that would remove all other difficulties.¹

Louis himself, however, did not look with favour upon Forman's advice. While thanking the Scottish ambassador for his services, and avowing his own desire for a pacific issue, he pointed out that Julius did not really desire it, and that the Bishop of Paris would be received with words, and words only.² Probably Julius aimed at using Forman to prolong the negotia-

¹ Lettres de Louis XII, ii. 219.

² Ibid., 221.

tions with France and gain time. Trivulzio was now threatening Bologna, and it was not surprising that Cardinal Alidosi, the "Monsr. de Pavye" of Forman's letter, who wielded a precarious and unpopular control in that city, should seek to delay the evil hour.¹

In a treaty afterwards signed by Ferdinand and Henry, it was related that these sovereigns begged Louis to desist from the siege of Bologna; that Julius, through the Scottish ambassador, offered Louis forgiveness if he would restore the towns seized by him and would renounce the schismatic Council; and that Louis rejected all offers and took Bologna.²

Julius was not unmoved by the interviews with Forman. On May 6 he directed a letter to King James, saying that his estimate of the Bishop of Moray had been very much raised by personal acquaintance. "He has shown and is showing a trustworthiness, a prudence, an industry, and a natural readiness of intelligence, such as to give us very marked satisfaction and create the impression that he deserves to be placed in a far higher position." The pope had therefore decided to grant the wish of James, to honour Scotland, and to recognise the merits of the ambassador by making him cardinal at the next

¹ Cf. Pastor, vi. 347-8.

² Cal. Span. Papers, ii. 59.

creation, *favente Altissimo*.¹ Under a pious expression there was, no doubt, the hint that payment would depend upon results, and perhaps upon the conduct of the Scottish king himself.

The disastrous fall of Bologna must have made Julius willing to gain any advantage that might be derived from the good offices of the indefatigable Scottish ambassador. Before that event, however, the Scotsman had been sent to Grenoble with a letter from the pope to Louis about peace.² For some reason the King of France, in spite of a victory which left even Rome at his mercy, ordered Trivulzio to retire on Milan and make overtures.³ At Grenoble, on June 6, there was talk of "les responses qui viendront du Pape et de l'Empereur sur la pratique qu'a apportée l'ambassadeur d'Escosse."⁴ Julius was now negotiating for assistance from Ferdinand, but it was in the meantime important to keep diplomacy alive at Grenoble. In a fortnight the Bishop of Moray had his credentials from the pope, and in audience offered Louis "de bonnes parolles generales." There was no concession over Ferrara, and no explicit answer regarding Venice "mais qu'il a bien bon vouloir devers l'Empereur et qu'il a espoir d'appointer envers l'Empereur le fait des Venitiens." De Burgo,

¹ E. R. S., i. 138.

² Lettres de Louis XII, ii. 247 ; Glay, i. 399.

³ Cf. Pastor, vi. 363.

⁴ Lettres de Louis XII, ii. 254.

Maximilian's ambassador in France, had talked with Forman's man, who reported, on his master's authority, that the arrangement between the emperor and the Venetians was "quasi demy faict."

Louis and the Council were not satisfied, and on June 23 Forman received a general answer indicating that the union of the king and the emperor was indissoluble. If the pope was not prepared to make peace now, it might not be attainable when he really desired it.¹

The Bishop of Moray arrived at Rome on July 12, yet within a fortnight thereafter no word of a reply had reached Valence, where De Burgo was. That ambassador explained the silence by supposing that Julius had waited to see the result of a plan for the recovery of Bologna, and argued that the failure of the project would lead the pope to consider the proposals put before him.² The true reason lay in the maturing of the Holy League, the provisions of which were practically determined early in August.³ Meantime the pope gave his answer to Forman in the presence of the Cardinals of Clermont and Nantes and Madame Felice, "*femme du Sr. Jehan Jordain laquelle a souvent parlé à sa Sainteté de la paix en ensuyvant les rescriptions de la Royne.*"⁴

¹ Lettres de Louis XII, ii. 273 (cf. H., i. 1681).

² Ibid., 283.

³ Cf. Pastor, vi. 367-8.

⁴ Lettres de Louis XII, iii. 2. Felice was daughter of Julius: possibly this entry belongs to July and not August, as stated.

The Bishop of Moray at once dispatched a messenger, who arrived at Valence on August 3, and a papal envoy found Louis determined to abide by the offer which he had transmitted through the Scottish ambassador.¹ Why Julius did not avail himself of Forman's service, or what the Scotsman was doing in the next few weeks, we do not know.

Towards the end of August De Burgo reported that he had received letters from Forman regarding the critical illness of the pope.² On the 1st of that month James IV. was writing to Julius regarding the Chapel-Royal of Stirling. Forman was to explain to his Holiness that the king desired the chapel, with its privileges, to extend to the castle and the Church of St Michael, and also to the royal palaces of Scotland, and he was to ask the pope to quash a suit on the subject.³

On September 25, ten days before the Holy League was signed by Julius, Forman received at Rome his instructions as orator and nuncio to Louis, along with the Archbishop of Torre. It was suggested, among other things, that if Bologna was restored and an agreement reached regarding Ferrara, Ferdinand, Henry VIII., and James IV. would undertake to see the treaty observed on both sides; and there was, of

¹ *Lettres de Louis XII*, iii. 6. Glay, i. 423. Cf. Pastor, vi. 368.

² Glay, i. 433.

³ *E. R. S.*, i. 121.

course, an article relating to the schismatic cardinals of the Council of Pisa.

The commission closed with the hope that Forman would show his wonted prudence, loyalty, and readiness; would carry out these negotiations along with his colleague so as to win a reputation for having deserved well of the Apostolic See and the Christian Commonwealth; and receive from God a recompense, from men praise and glory, *nam super his a Sanctissimo Domino nostro per litteras suas sub annulo piscatoris vobis plena est data facultas atque potestas*.¹ On the same day Julius wrote separate letters to Louis and the Bishop of Paris commending Forman to them.²

The papal emissaries received their answer from the French king, but the date cannot be determined.³ De Burgo, writing from Beaugency, October 15, intimated to Margaret of Austria that the pope was sending Forman as his agent, and that he could not arrive before the 20th of that month.⁴ On the 20th he wrote again, saying that Forman was expected in six or eight days, and that Louis did not anticipate much satisfaction from the mission.⁵ In a letter from Le Veau, another of Margaret's correspondents,

¹ Lettres de Louis XII, iii. 40.

² Ibid., 49, 50.

⁴ Glay, i. 441.

³ Ibid., 51.

⁵ Ibid., 444.

dated December 3, it was stated that Maximilian had written to Forman, who was at Blois, telling him that he was ready for peace if the pope and the Venetians would come to terms.¹

The pope's commissioners seem to have remained in France for some time, for we learn that by January 23, 1512, a messenger sent by him to Julius had returned to Blois, and had reported that Julius required as a condition of the proposed peace the entry of Louis into the Holy League. Margaret of Austria was informed that there was no hope of peace, "*pourquoy ledit ambassadeur d'Escosse se parti Lundi passé pour retourner en son pays.*"²

While business of supreme interest for the peace of nations was being transacted, the youthful Archbishop of St Andrews, Alexander Stewart, appealed, with what result we do not know, against the exemption of Forman from his jurisdiction.³ As Commendator of Pittenweem and of Dryburgh, Forman was attached to the diocese of St Andrews, and the exemption from the

¹ Glay, i. 459.

² *Lettres de Louis XII*, iii. 124. In one of the letters from Rome to Venice, dated from the 7th to the 11th of January 1512, it was stated that the ambassador from Scotland had arrived in Rome, and had told the pope that Louis was willing to renounce the protectorate of Bologna and Ferrara if he would detach himself from the league, and, it was added, the pope had refused (*Cal. Venet. Papers*, ii. 143).

³ *F.*, 172, 173.

authority of the metropolitan was an addition to the favours heaped up for the man whom popes and kings delighted to honour.

To the year 1511 certain letters of the Scottish king, of which the exact dates are unknown, may be assigned. One of these letters he addressed to his kinsman, the Duke of Albany, who was in the service of Louis, and in it he recommended Forman to his notice.¹ He also sent a communication to Maximilian, and stated that he was aware of the emperor's desire to inaugurate a crusade against the enemies of Christ's name. Pointing out that Julius had been working for the same end, and that Louis and Henry VIII. each approved the idea of a crusade, and announcing that he himself acquiesced, he showed that the dissensions of Julius and Louis hindered action, and urged Maximilian to intervene. He stated, further, that he had sent Forman to treat with him, and that he thought it not inappropriate to delegate Albany also to confer with him.² In a letter to an unnamed cardinal James intimated that he was sending Forman to the pope, and that the prelate would learn from the ambassador what was intended.³ Not content to enlist the services of that dignitary, he addressed a communication to the cardinals in Rome announcing that he had sent Forman to

¹ H., i. 1875.

² E. R. S., i. 124.

³ Ibid., 125.

the King of France and also to the pope, and asking them to accept him as his accredited messenger. Forman he described as a man with long experience in the affairs of his nation, and as one who had successfully conducted his former embassies.¹

Lindesay of Pitscottie in an amazing romance tells of Forman's good offices for peace, describes the meeting of the pope and the King of France, and shows them embracing each other tenderly. From one of his chapters we learn how the bishop made the pope and his cardinals a dinner, and what merriness was thereat. "Quhene the denner come to," Lindesay narrates, "the paip and his cardinallis was pleissit and sett according to thair estait. Then the wse was and costome at the beginning of meate that he that aught the house and maid the bankit sould say the grace and blise the meate; and so they requirit the hollie bischope to say the grace, quho was not ane goode scollar and had not goode lattine, but begane rudlie in Scottis fassieoun in this maner sayand, 'Benedicite,' beleueand that they sould haue ansuerand 'Dominus.' Bot they ansuerit 'Daus' in the Italieane fassieoun, quhilk pat this nobill bischope by this his intandement that he wist not how to proceid fordwart, but hapnit out in goode Scottis in this maner, the quhilk

¹ E. R. S., i. 126. Appendix, II.

they wnderstud not, sayand, 'The Dewill gif (tak) zow all fallis cairllis, in nomine patris et filii spiritus sancti.' 'Amen,' quod they. Then the bischope and his men lewche and sa did all the cardinallis. And the paip inquirit quhairat they lewche, and the bischope schew the paipe the maner, that he was not ane good clark, and his cardinallis had put him by his intandement, thairfor he gaif thame all to the Devill in goode Scottis, and they say that lewche at that, the paipe leuche amang the rest." If we could possibly trust the chronicler, it would seem that the graduate of St Andrews University had forgotten his Latin, and that the prelate of the Church in Scotland was not wont to say grace before meat.

When Forman was sent by Julius to Grenoble in May 1511, he was to report the result to Henry VIII.,¹ and it is clear from a letter of King James that the commission to Henry was carried out,² though the date and the manner of the communication are left uncertain. The King of Scots, if his knowledge of the European situation lagged behind the movement of the times, was soon to feel the effects of the Holy League. He complained to Julius in December 1511 that Henry was deliberately making trouble with Scotland (*domi quam foris ne-*

¹ H., i. 1681.

² E. R. S., i. 135.

gotium forte maluit), and he presumed freedom to retaliate in spite of the papal censures threatened in the time of Henry VII., as this was not *quæsita occasio* but *necessitas*. The King of England, however, was anxious to keep Scotland quiet, and when an ambassador of Ferdinand reached James in January of 1512, Margaret was asked by her brother to support his representations. Louis also had his envoy at the Scottish Court in January intimating the coalition between Julius, Ferdinand, and the Venetians against himself and Maximilian. The situation did not admit of a hurried answer, and the prelates and barons had to be summoned for deliberation.¹

At the end of the month James could not be aware that Forman was on his way home. He thanked Julius for the honour done to his ambassador, who was now at the Court of Louis, "avoiding no trouble, hardship, or discomfort, so long as he thinks he can be of service."² More than a fortnight later the king was still wishing his envoy success; but he was surprised that Julius had not communicated his views regarding the Council, of which he had heard. It is evident that a message from the pope or from the Bishop of Moray was anxiously awaited in order that the Scots might determine their policy.³

¹ E. R. S., i. 122, 131, 133, 129.

² Ibid., 142.

³ Ibid., 130.

Julius had written on January 7, but the letter did not arrive till the beginning of March, and it was not delivered by Andrew Forman. The bishop, as has been seen, was reported on January 23 to be on his way home from Blois, and he had certainly arrived in Scotland before the end of March, when James dictated an answer to the pope. Probably he appeared before March 19, when Ferdinand at length got a reply. An expression in the king's letter to Julius makes it possible that Forman passed through England and had an interview with Henry, which would explain his belated arrival.

In the letter to Ferdinand, despite the ill news from the pope, there was an exhortation to peace, upon which, as Margaret herself bore witness, the King of Scots was still bent. *Catholicus Rex a ferro in Catholicum militem abstineat* was the burden, and it was stated that pacific advice was being offered to Henry.¹

To the pope James wrote on March 31 in horror and disappointment. "Never have we heard tidings so sorrowful. What more bitter news can be brought than that weapon is made ready against weapon, to be driven home between the host of the Most Holy Father and the army of the Most Christian son, whereby victory will but vanquish and betray the Christian common-

¹ E. R. S., i. 131, 133.

weal, to be trodden under foot by the enemies of Christ. May the Most High God defend His cause ere that befall. . . . To avert this we have striven with your Holiness and the Most Christian King through our counsellor the Bishop of Moray, and striven in vain, albeit our orator, for the good cause, surmounted the cold Alpine heights. To his Highness the King of England, our brother and ally, he related, as we have heard, the things committed to him : he told us, amid our prelates and nobles, all his story, the paternal care of your Holiness over princes and in especial toward us, and spoke openly of the most equitable demands he made to strengthen the advance of peace, though fortune for the present will not yield to opportunity." It was the bounden duty of Christendom to face the Turk, and James would appeal to Louis afresh: *reponatur Bononia, redeat Ferraria, novum cesset concilium*. Perhaps he might gain more through persuasion than Julius could effect with the rude instruments of war. In his own hand the king added a sentence entreating the pope to use his good offices and transmit conditions.¹

When Forman left the French Court, he was asked by Louis to obtain speedily from King James an indication of the part to be played

¹ E. R. S., i. 135.

by Scotland and Denmark, should Henry invade France.¹ The apostle of European peace was now himself turning to thoughts of war. He conceived that he was slighted by Julius and looked upon as an enemy of the Holy League.² As events moved on, James continued to speak of pacification; but his appeals to the pope began to be couched in the language of reproof, and he wrote as the friend of Louis XII. Seven months before Flodden it was evident that the old ally of France and the old enemy of England had obscured his vision of peace, and he wrote to the cardinals: "*Prospicite ne pullulans seditio extremos Europæ sinus in arma trahat ac Christianum robur undique conterat.*"³

The Scottish king did not rashly enter into a quarrel with Julius, and Forman's interests, as the bishop himself would take care to advise, were considered. On January 31, 1512, James stated to the pope that from long experience he thought Forman, who was with the King of France, was worthy to be a cardinal.⁴ Writing again on February 16, he intimated that he had heard from Forman that he had remained many days with Louis in the hope of securing peace.⁵ James was evidently determined to let Julius know what he was

¹ E. R. S., i. 146.

⁴ Ibid., 142.

² Ibid., 151.

⁵ Ibid., 130.

³ Ibid., 182.

doing, and that Forman was his agent. In reply to a papal communication he declared, on March 31, that he had tried to bring about peace by sending Forman to Italy, and that he was about to make another appeal to the King of France.¹ Julius did not fulfil the promise regarding the cardinalate; but he did not leave Forman altogether unrecognised, as he bestowed on him the reversion of the see of Dunkeld.² In a later year, when Julius was dead and Forman was still without the high rank he coveted, Albany, the Regent of Scotland, sought that rank for the importunate bishop, and in favour of his suit showed how the prelate had crossed the Alps in post-haste to compass peace.³ Leo X. knew, as a letter of 1514 indicates, what Forman had done for peace and on behalf of the Apostolic See.⁴

The Holy League, as results were to show, was a strong alliance, and yet for a time France retained her hold in Italy. Late in 1511 a Swiss force attacked Milan, but could not reduce the city. In the following year the French took Brescia from the Venetians, and two months afterwards gained Ravenna, though they lost their brilliant young general, the Duke

¹ E. R. S., i. 135. James used the phrase, "*qui frigora et Alpes superavit.*"

² H., i. 3122.

³ E. R. S., i. 216.

⁴ *Ibid.*, 267.

of Nemours. For some reason, however, virtue departed from them, and they were expelled from Italy. Yet Louis was not content to leave Julius to pursue his plan of unification, but sought through his Council, the semblance of a General Council, to overcome his clerical foe. A meagre assembly of prelates gathered at Pisa on September 1, 1511, proceeded to business on November 1, and on November 12 agreed to remove to Milan. The transactions from beginning to end were futile, so far as the Catholic Church was concerned; and no dangerous schism was made when in April, after the battle of Ravenna, Julius was suspended. The Council was Louis' Council, and in his pride he struck a medal. On the one side he named himself King of Naples, and on the other prophesied through the legend "*Perdam Babilonis nomen.*" Against Louis and the schismatic cardinals the Pope's best argument was the Holy League; but he also had an assembly, and on May 3 he inaugurated the Fifth Lateran Council. He himself had no strong wish for a Council, except out of rivalry, as he was trusting more to arms rather than to anathemas. None the less, he must have been gratified to hear Louis' Council declared void. He had the pleasure, too, of welcoming Maximilian to the Holy League, though the unstable Austrian had

supported the Council which met at Pisa. Before his death, which occurred in February 1513, Julius saw, not indeed the last results of the Holy League, but Italy cleared of the French.

While the pope's Council was in progress, between the second and third sessions, various nations sent representatives to express formal adherence. Orators announced that Denmark would give support, contrary to requests made by Maximilian and Louis; and, stating that James of Scotland remained in obedience, they showed that he had been asked by these sovereigns to approve the Council of Pisa. He had desired the Danish orators, they stated, to represent him, but the King of Denmark decided that he must send his own ambassadors to the Council.¹ James, as has been shown, was annoyed that no direct communication regarding the Lateran Council had been made to him by Julius; but he evidently wished to show through the Danish representatives that he was still with the pope.

In the international complications brought about by the Holy League James of Scotland had many tasks and many worries. One of these tasks involved communication with the King of Denmark, to whom he showed, April

¹ Raynaldus, 1512.

22, 1512, how he had sent Forman once and again across the Alps to establish friendship between France and Rome, and how the attempt had been fruitless. France had asked through Forman, he stated, what Denmark and Scotland would do, were England to invade France; and he himself wished to know what course Denmark would pursue, were England to attack Scotland.¹ Shortly after his letter to Denmark, James begged from Henry a safe-conduct for Forman, "now in parts beyond the sea," that he might negotiate in England for universal peace.² On May 28 James wrote once more to Denmark to discover what help France, now attacked by England, might expect from Denmark, and what would be done for Scotland.³

James, however, was to receive no aid from Denmark; but his own policy was unmistakable when he entered into a formal alliance with France.⁴ In July, the month in which the league with France was renewed, the correspondence between James and Henry showed that the English king was ignorant that the treaty between their countries was broken, and indicated also that Forman had found favour in his eyes. Writing to Lord Dacre, the

¹ E. R. S., i. 95.

² H., i. 3216.

³ E. R. S., i. 96.

⁴ Renewed at Edinburgh, July 10, and witnessed by Alex. Stewart and Forman.

English agent, regarding the recognition by Louis of Richard de la Pole as King of England, "contrare to the possibilite of oure enteress," James asserted that he thought Henry and he would concur, and that he could not believe his brother of France "will tyne ws for ony sic." He offered to send Forman to him.¹ Hearing on another occasion that Henry was desirous of a general peace, he again proposed that the bishop should explain matters to him more fully.² Henry replied that he could not agree to peace without the consent of the confederates of the Holy League, though the Scottish ambassadors would be welcome to treat of peace, and none would be more acceptable than the Bishop of Moray, his "familiar acquaintance," to whom he sent a safe-conduct.³ In a letter to Dacre, Henry expressed his regard for Forman, but did not favour the mission of the Scottish ambassadors. No one, he wrote, would be more welcome than Moray, "considering that he hath always borne a good zeal and mind towards the entertaining of universal peace, good love, and amity betwixt our said brother and us; but as to his further journey to France, either for our rebel Richard de la Pole or for the universal peace, we think

¹ H., i. 3320.

² Ibid., 3322.

³ Ibid., 3346, 3372.

not the same expedient to be done with our assent.”¹

Forman, it is evident, had won Henry's favour, and he secured a recommendation for the cardinalate, an honour never to be obtained. Henry himself was assured by a correspondent in Brussels, July 15, that Julius was not disposed to make new cardinals;² and, so far as Forman was concerned, the alliance of Scotland and France could well account for the pope's change of purpose.

The renewed alliance, when reported in England, roused suspicion, and affairs in Scotland were closely watched. Lord Darcy, Henry's agent, reported that James was preparing a naval expedition, and that he had with him the Bishop of Moray and other lords, though there were not six persons in Scotland privy to it. If French ships were sent to his aid, James would invade England, but if disaster befell the French he would keep the peace. Darcy's informant was a priest, who had sworn, his hand upon his breast, that he was speaking the truth; and, as promotion had been promised to him, he was recommended for an archdeaconry.³ There was truth in the report that James was busy with the fleet, as there is record of a payment, in presence of Elphinstone

¹ H., i. 3347.

² Ibid., 3314.

³ Ibid., 3359.

and Forman, to "finish the ships."¹ There was, however, no naval expedition, and James continued to talk about peace. His words naturally did not impress Henry, who remembered the alliance with France. When asked for a safe-conduct for Forman from his "presens towartis the King of France," Henry refused to give it, though the prelate was to treat of universal peace and of a crusade against the infidels. On December 6 the request was repeated and it was again refused, and Forman, who was then in England, had afterwards to proceed to the Court of Louis without a safe-conduct from the English king.²

James, who had bestowed many favours on Forman, continued his generosity. On July 25, 1512, he gave him the lands and possessions of the defunct William Paterson, parson of Bole-skin, till the entry of an heir;³ and on one of the days of September he supped with him, and accepted a cup of silver "overgilt," containing 100 crowns of "wecht."⁴ In March of the following year the bishop and William Ogilvy of Strathearn were made, conjointly, keepers of the castle of Dingwall, foresters of Darnaway, and chamberlains of Moray, for a period of nine years;⁵ and the bishop by him-

¹ T. A., iv. 445.

² H., i. 3569.

³ R. P. S., 2416.

⁴ T. A., iv. 371.

⁵ R. P. S., 2482.

self was appointed, for a like period, customer of fish, wool, hides, skins, including marten skins, and cloth.¹ The French king also did not fail with his rewards, and, as was reported to Henry on January 12, 1513, promised a bishopric to the Scottish prelate.²

In spite of the changed attitude of the pope, Forman did not lose all hope of the cardinal's hat. Writing to the Marquess of Mantua, he thanked him for what he had done, and besought him to aid the holy peace in conformity with the communications of the Scottish king; and he begged the Prince of Mantua to continue his recommendations to Julius.³ The death of the pope in February 1513 put an end to these negotiations, and Forman afterwards declared that the refusal of the safe-conduct through England had cost him the cardinalate. He had letters to show—one to James and one to himself—in which Julius had promised the dignity.⁴ Amidst international intrigues and jealousies Henry had not chosen to help a Scot to go to the French Court; and the refusal of the safe-conduct, even if he did not know of the bishop's expectations, was a perfectly fair move in the political game. In an explanation to Cardinal Bainbridge, his am-

¹ R. P. S., 2483. ² H., i. 3651. ³ Cal. Venet. Pap., ii. 222, 223.

⁴ H., i. 3838. Illustrations of Scott. Hist. (Maitland Club), 77.

bassador at Rome, Henry represented that after the battle of Ravenna Julius wrote in great distress to all Christian princes, urging them to arrange a peace, and that at a later time the pope, fearing that peace might allow the Frenchman to recover strength, instructed England to continue the war, and incited Scotland to join with England. In respect for the papal communication Henry had resolved not to countenance James with his attempts for universal peace, and had refused the safe-conduct to Forman. Had Henry acted otherwise, as he asserted to Bainbridge, James would have declared that he had his authority to arrange a peace; and in regard to the safe-conduct, Henry went on to say, one was offered to Moray, if he would go to Rome and hear the opinion of the pope.¹

Henry had good reason to be angry with the Scots for renewing the league with France, as they were really breaking faith. He suspected, indeed, that James was eager for war, and he determined to check him. By papal permission, Scotland was to be placed under interdict, with its spiritual desolation, if the king broke the peace with England.² The blame of the "bull executorial" James laid on Wolsey, and he declared to West, the English ambassador,

¹ H., i. 3876.

² Ibid., 3838.

that Forman would be sent to appeal against it. He added that he would not offer obedience to Leo X. if he condemned him unheard, and that Rome would not stop him if he wished to make war on England. When West inquired to whom he would appeal, he answered, laughing, "to Preter John," who, he thought, was a noted pirate and apostate in charge of the French fleet.¹

The confirmation of the interdict which Julius granted lay with Leo X., and James determined to send Moray to dissuade him from inflicting the awful punishment on Scotland. Henry, of course, would grant no safe-conduct, and the bishop accordingly went by sea to France, against his will he afterwards said,² and with him was the Unicorn Herald.³ The ship which carried him was John Barton's, and among the stores were two puncheons of ale for the bishop's "own drink," and one dozen "fed capons."⁴ The voyage was completed in safety, but Henry sought to prevent him from reaching Rome, and wrote to Cardinal Bainbridge, saying: "We know for certain that should the Bishop of Murray come to Rome, he would endeavour to negotiate many matters contrary to our undertaking against the enemies of the Church, whereby we are bound to defend

¹ H., i. 3838, 3876.

² Ibid., 5006.

³ T. A., iv. 407. Appendix, III.

⁴ Ibid., 474.

it. On this account it seems expedient both to us and the Council, if it can be done, that on the road he be intercepted, lest he reach Rome to disturb our holy expedition; touching which matter, at our request, the ambassador of the Catholic king here resident with us has now written instructions to his colleague for the arrest of the said bishop either by the Duke of Milan or by the Viceroy, so that Rome he approach not.”¹ There is no indication, in spite of the letter, that Forman was hindered in any way on his journey.

Henry VIII., as has been shown, was told that the King of France intended to reward Forman with a bishopric, and the information was correct. On June 7, 1513, Louis asked the Chapter of Bourges to elect Forman, and on the 25th the queen wrote in his favour.² The chapter, however, ignored the royal requests, and the pope intervened, providing him to the see, July 15, and giving him permission to retain Moray. A further grace was granted. He was not required to resign Dryburgh, Pittenweem, Cotingham, or a right of access to Kelso which he had obtained; and from these favours it is evident that Leo wished to reward him, to keep James in friendly humour, and also to please

¹ Cal. Venet. Papers, ii. 238.

² Michel, *Les Ecosais en France*, i. 320.

Louis.¹ Anxious to strengthen his nominee's position, Louis intimated to the chapter that Forman had been instrumental in inducing James to declare war on Henry, and that he himself was transmitting letters from the Scottish king in proof of his statement.²

On September 13 the king was able to report that Forman had taken the oath to him as king, and had received the pallium.³ Request for the pallium had been made through the Archdeacon of Moray, and the pope in reply, August 3, commissioned the Bishops of Paris and Angoulême to convey it, and to receive the oath of fidelity to Rome.⁴ To the chapter Forman himself wrote a letter in French, sending it by his nephew;⁵ and the ecclesiastics, who naturally grudged the revenues of the see to a Scot, had the satisfaction of learning that the prelate thrust on them by the king and the pope was at least not ignorant of their language. In his communication he exhorted them to obey Louis, and assured them they would never have occasion to be discontented with himself as bishop. The signature was, "Vostre frere et amy, à

¹ Reg. Leo. X., i. 217. Andrew Stewart, Bishop of Caithness, held Kelso *in commendam* (Brady, i. 168).

² Michel, i. 320.

³ Ibid., 322.

⁴ Reg. Leo. X., i. 237.

⁵ Michel, i. 323. M. Michel says that the use of French showed that Lindesay was right in stating that Forman had little knowledge of Latin.

jamais, s'il vous plaist, André, arcevesque de Bourges et evesque de Morray."

The papal provision was not to be set aside, and at last on October 1 the chapter proceeded to the election of Forman, for which the king's thanks were received.¹ On November 13 the prelate made his official entry into Bourges, and the first stage in his association with the French bishopric was reached.²

Though promoted to an archbishopric in France, Forman could not settle in the country; and Louis, at his suggestion, relieved Scotsmen from obtaining letters of naturalisation, and gave them power of testament and the privilege of holding benefices.³

Leo had been gracious, but none the less the claims of the papal treasury must be satisfied, and 1200 florins had to be paid for Moray on Forman's promotion to Bourges.⁴ Before that transaction 150 florins had been transmitted on account of Dryburgh;⁵ and it is not unimportant to note that Marco Dandolo reported to the Venetian Senate that the "Bishop of Moray, ambassador from Scotland, was at the French Court about a certain sum of money, and had asked him for assistance in the matter."⁶

¹ Michel, i. 323.

² Ibid., 324.

³ Inventaire Chron. (Abbotsf. Club), 58.

⁴ Brady, i. 136. ⁵ Ibid., 173. ⁶ Cal. Venet. Papers, ii. 268.

The pope, even while he conferred benefits on the man who was afterwards blamed for Flodden, was eager that Scotland should maintain peace with England, and probably would not have accepted so readily the proposals of Louis on Forman's behalf had he not thought to make use of the Scottish prelate. Three weeks before the promotion to Bourges the schismatic cardinals of the Council of Pisa returned to Rome; and Henry VIII. feared, as his letters indicate, that their reception pointed to a reconciliation of the pope and the King of France. The favours to Forman must also have shown him that Leo was forsaking the ways of Julius, the inspirer of the Holy League. Yet it was not the pope's wish that England should be harassed. Twice in June, on the 8th and 28th, he urged James by letter to desist from war,¹ and on August 13 proceeded to innovate the censures attached by Pope Alexander VI. to a breach between the two countries.² It is evident, however, that he trusted to rewards rather than to threats, as John Sauchy, Forman's secretary, who afterwards published the Bulls of St Andrews in Edinburgh, received, August 26, the promise of one or more benefices in the dioceses of Glasgow or Aberdeen.³

¹ Reg. Leo. X., i. 180, 200.

² Ibid., 258.

³ Ibid., 258.

The munificence of Leo, while adding to the bishop's wealth, must have strained for a time his resources. The abuses of commendation led to attempts on the part of those who received papal favour to enjoy it with economy, and in February 1514 it was found necessary to formulate rules under which pluralists should be taxed. These regulations seem to have defined the practices prevailing when the promotion to the French see was effected. On receiving Bourges and retaining Moray, Forman was required to pay services for both, and also for the monasteries held *in commendam*.¹ There is no evidence to show that the Scotsman contested the practice of the papal exchequer, and before the new rules of 1514 he had paid the tax for Moray and Dryburgh, and could not have reaped much of the wealth of Bourges.

The pope, if he thought to arrest war by favouring Forman and writing to James, reckoned without counting the headlong impetuosity of the Scottish king. It was necessary, as he found, to dispatch a nuncio to Scotland, and, unaware that Flodden had been fought, he wrote to Henry, September 20, requesting a safe-conduct for his commissioner, who, with the approval of Cardinal Bainbridge, was being sent to James to consolidate a peace,

¹ Reg. Leo. X., i. 420.

and also to arrange an expedition against the Turks.¹ On October 8 James, King of the Scots, and Catharine (*sic*) his wife, were granted a faculty to choose confessors; and Balthazar Stuerd, provost of the collegiate church of Clavasium, in the diocese of Hippo, papal notary and secretary, was given as nuncio to Scotland and as collector powers which would fill his own purse and enrich the Roman treasury.² If our authorities are correct, the consistory dispersed only to learn that peace had been rudely broken at Flodden, and that no confessor would avail the soul of James IV.³

The renewal of the league with France amounted to a declaration of war by Scotland against England, and Flodden was the issue. Before the renewal, however, there were significant threatenings of war, and the evidence points to Henry VIII. as the aggressor. Early in 1511 the Scottish ambassador was able to assure the pope of the continuance of peace between England and Scotland;⁴ but on September 12 information was received by the Venetians from their representative in London, regarding events in July and August, who reported that Henry had sent troops towards Scotland, as James was the partisan of France.⁵

¹ H., i. 4458, 4491.

² Reg. Leo. X., i. 301.

³ Ibid., 303.

⁴ Cal. Venet. Papers, iv. 1048.

⁵ Ibid., ii. 119.

On November 8, however, the Venetians were informed from Rome that letters had reached the papal city announcing peace between Henry and James.¹ At the beginning of the year 1512, on January 8, the intelligence sent from London to Venice was that "England was in arms, the reason being, it was said, because the King of Scotland, King Henry's brother-in-law, was waging war against him at the request of France, and that by Candlemas day all England would be in battle array."² The arms, however, were not used against Scotland, and on May 6 the information dispatched to Venice was that "King Henry had made peace with his brother-in-law, the King of Scotland."³ The renewal of the league with France, it is evident, was dictated by no sudden frenzy, but by a deliberate policy, and Flodden itself was fought not merely that France might be helped, but that Scotland might be avenged.

Flodden brought many disasters to Scotland, and was not to be forgotten when Bannockburn was remembered. The king fell on the field, and a child was heir to the throne, the years of whose boyhood were to be years for his country of party strife and contention. Alexander Stewart was killed with his father, and with him perished promises of reform of the

¹ Cal. Venet. Papers, ii. 127.

² Ibid., 145.

³ Ibid., 168.

Church in Scotland. The death of Alexander opened for Forman the way to the archbishopric, which after many vicissitudes he was to reach ; but this man, who was to be primate, had to suffer the deserved or undeserved reproach, when temper required that some one should be blamed, of having urged his king to the fatal expedition. Buchanan, describing a meeting of the Scottish Parliament, narrates that "the wiser heads opposed war, but the French envoy, La Motte, pressed his point with entreaties and promises. Andrew Forman had also written repeatedly and insistently to the same effect, and the king himself did not conceal his feelings, so that many were anxious to gratify their prince, while the minority assented to avoid kindling the royal indignation against themselves by a fruitless opposition. War was declared against the English by land and sea—an act as ill-advised as it was fraught with disaster—and a day was named for the assembling of the host."

The Bishop of Durham, communicating with Wolsey, wrote : "This victory has been the most happy that can be remembered. All believe it has been wrought by the intercession of St Cuthbert;" and, he continued, "they say that after the king had attacked Norham, 20,000 of his men left him, foreboding mischief. The attack proceeded of his own sensual mind, by the instiga-

tion of the Bishop of Murray against the wish of the nobles. There is no wisdom or virtue in that prelate."¹ Lord Dacre also was ready to give Forman the discredit of the broken peace. "The chief provoker of this business," was his phrase.²

Before the battle Henry VIII. began to see an enemy in Forman, and Cardinal Bainbridge was delegated to check his progress, if he could not hinder his intrigues. From Bainbridge's letters, September 17,³ it is evident that he had been directed to impede the Scottish bishop's career of acquisition, and that his instructions had not arrived in time. He informed Wolsey that he had heard that Cottingham was vacant owing to the promotion to Bourges, and yet he must surely have learned that the retention had been permitted by the pope. He stated also that he would have opposed the provision to Bourges had he thought the archbishopric might fall to Wolsey; and added that if the English were successful in France, Forman would have "hard neighbourhood," and serve him right, "condign for his demerits." To Henry he wrote that "the Bishop of Murray's bulls have long been ex-

¹ H., i. 4462.

² Ibid., 4482. In an account of Flodden among the Venetian Papers (ii. 341) there is the phrase, "the schismatic Bishop of Murray."

³ H., i. 4454, 4455.

pedited," and that he wished to stop them, and also the holding of Cottingham.

It would be hazardous to infer from the cardinal's letter that Wolsey hoped to find himself archbishop of Bourges; but in his visions of English conquest in France he may have beheld himself on the episcopal throne. Henry, on the other hand, was very definite in the humbler determination to evict the ecclesiastical diplomatist of Scotland from the English benefice, and he evidently directed Bainbridge to see to the removal.

Filled with exultation over the victory at Flodden, the cardinal of England demanded a public celebration in Rome. Objections were raised, however, that the Scots were Christians, though they were schismatics in the eyes of Henry; and, as a compromise, mass was sung in the church of *Sancta Maria de Populo*.¹ The pope himself, he was soon to show, had no wish to humble the Scots, as if they were infidels to a holy cause. Their highest priestly office was vacant, and he was minded to fill it with a prelate of his own choosing. But the Scots had traditions of ecclesiastical freedom, and Leo was too wise to begin the negotiations in connection with the archbishopric by humiliating them for a national crime. Innocenzo Cibo, his sister's son, though he

¹ Reg. Leo. X., i. 303.

had not reached the age of twenty-one, had been created a cardinal on September 23, and this was the youth the pope selected for the primacy of the Scottish Church.¹ Maddalena de' Medici had been married to Francesco Cibo, the son of Pope Innocent VIII., and their son, being a pope's nephew, might expect high promotion in the Church. "His capacity is excellent," Leo wrote to Ferdinand of Aragon, "his morals irreproachable, and his natural endowments are ornamented by his proficiency in literary studies."² A youth with fine tastes and decent morals would have been a fit and proper successor of Alexander Stewart, if the archbishopric of St Andrews and primacy of the Scottish Church required a boy prelate; but the Scots, in spite of children thrust into clerical offices, had never demanded priestly inexperience and ecclesiastical incompetence as qualifications for their bishops. The see of St Andrews was reported at Rome to be worth 12,000 ducats,³ and on October 13 Innocenzo Cibo was provided to it.⁴ The anarchy which reigned in Scotland, when so many of the best men had fallen at Flodden, might have incited the paternal interference of the bishop and overseer of the Catholic Church; but the papal purposes and motives displayed

¹ Reg. Leo. X., i. 283.

² Raynaldus, 1513, 83.

³ Cal. Venet. Papers, ii. 339.

⁴ Reg. Leo. X., i. 306.

no spiritual grace when his Holiness named for St Andrews a youth who was his own nephew.

After the death of Alexander Stewart, John Hepburn, who as Prior of St Andrews was dean of the chapter, controlled the spirituality of the see. His right to administer was according to the common law, as Myln shows in reference to Dunkeld;¹ and he at once entered on the duties, when the vacancy in the diocese was known.² Hepburn's ambition was not satisfied, however, by the acquisition of the vicar-generalship, and aspiring to the archbishopric itself, he secured election by the chapter. This election, which is given in Lawd's Manuscript under the year 1513, was the first of the movements in Scotland connected with the vacant see, and was made before the chapter could have ascertained the pope's intentions. Without royal assent and papal confirmation the action of the chapter was futile; and hopeless of obtaining support, Hepburn withdrew in favour of Elphinstone.

On September 21 James V. was crowned at Stirling by the Archbishop of Glasgow,³ and on October 5, in name of the young king, a letter was dispatched to Leo, in which the hope was expressed that the privileges of the Scottish

¹ Vit. Episc. Dunk.

² F., 99.

³ Vitæ Episc. Dunk., 47; Liber Protoc. (Grampian Club), ii. 507.

Crown would be preserved.¹ In his reply of November 3 the pope congratulated the king, desired that peace would be secured, consented to maintain the royal privileges, and apparently did not dwell upon, if he mentioned, the provision of Cibo.²

The vacancy in St Andrews suggested to Henry VIII. that he might be patron of the great benefice, and thereby serve his own country. The day before the provision of Cibo, and of course unaware of what the pope had done, he made a communication to Rome which he doubtless thought would be respected, since he professed that the affairs of Scotland concerned him nearly. He asserted, as has already been noted, that St Andrews used always to be subject to York, and narrated that the last archbishop had been slain in battle. He begged the pope to recall the metropolitan honours and reduce St Andrews to the dignity of a bishopric, and also to restore the priory of Coldingham, which had been given *in commendam* to the late archbishop, to the see of Durham. Another extravagant request was made. He asked Leo not to dispose of any of the Scottish bishoprics, rendered vacant by the

¹ Reg. Leo. X., i. 766.

² Ibid. A letter (H., i. 5613) with the date given as November 23, 1514, is wrongly placed, since it refers to the announcement, October 5, of the king's accession.

slaughter of the prelates who were at Flodden, armed and without sacerdotal habit, until he himself had expressed his wishes with regard to them.¹

James IV., when he set out on his fatal march, entrusted his infant son to the care of Elphinstone.² The Bishop of Aberdeen, knowing the horrors of war and dreading them, sought to restrain the headlong impetuosity of those who would take the field and assert the honour of Scotland; but he was taunted, Boece tells, as being a dotard and no patriot. The news of the battle and defeat almost broke his heart, and brought him near to the grave. "Never after that was he seen to smile: never laughed at a jest: never entered into the least exuberant mirth."³ The prelate who should have succeeded to St Andrews, and would have steadied the tossing bark of Peter, was an old and shattered man, and lived only to behold a confusion and disorder he could not cure. He, however, was to be nominated for the archbishopric.

In the latter half of October the Council of Scotland met at Perth,⁴ and among those who attended was Gavin Douglas, provost of St Giles.⁵

¹ H., i. 4502; Theiner, 512.

² Diurnal of Occur., 4.

³ Boece, Vit. Episc. Aberd. (New Spalding Club), 105.

⁴ H., i. 4529.

⁵ Charters of St Giles, xxxvi., with quotation from A. D. C., vol. 26.

He and his father, the old and famous Earl of Angus, had been appointed, with other lords, to accompany Queen Margaret.¹ Douglas, who was afterwards to contest the vacant archbishopric, was educated, like his successful rival, at the University of St Andrews. In 1501 his 'Palace of Honour,' an allegorical poem, appeared; and before the battle of Flodden he finished the translation of Virgil, which has given him an honourable place among Scottish poets. A churchman, and the son of a great and noble house, Douglas aspired to honours which literature had not in her store of rewards. For a time he made himself prominent in the field of politics, and sought the primacy and obtained the bishopric of Dunkeld.

Boece narrates that Elphinstone was nominated at Perth for the archbishopric and refused.² The declinature of the great churchman, if it was made, was certainly not accepted, and Lord Dacre, writing to Henry about events in Scotland, reported the results of the Council and announced a series of nominations, the first being that of Elphinstone. The Bishop of Caithness, Andrew Stewart, was to succeed in Aberdeen; another Andrew Stewart, of the house of Atholl,

¹ Balfour Paul, *Peerage*, i. 182. "Bell the Cat" was made provost of Edinburgh after Flodden, and Gavin Douglas a burgess, gratis, (*Extr. from Records of Edinb.*, i. 144).

² *Vitæ*, 106.

would go to Caithness, as he did in 1517, after an unsuccessful fight with Gavin Douglas for Dunkeld.¹ When Dacre added that Arbroath had been assigned to George Douglas, son of the Earl of Angus, he must have been misinformed, and should have named Gavin Douglas.² Other appointments represented the interests of two powerful families. James Hepburn was to have Dunfermline, and Coldingham was to go to a brother of Lord Home. Henry was further informed that it was not yet decided which of the lords should rule, and that Arran had returned to Scotland, having with him a French knight with letters from the King of France and the Duke of Albany.³

Elphinstone, in pursuit of his candidature, secured election by the Chapter of St Andrews,⁴ and John Hepburn, as has been shown, retired from the contest. In the Acts of the Lords of Council, under the date February 25, 1514, it is stated that Elphinstone announced his nomination to St Andrews by the Queen and Council, intimated that he had sent a clerk to Rome, and asked an instrument recording his nomination

¹ Brady, i. 149.

² "Bell the Cat" was apparently not yet dead; his heir, George, fell at Flodden, leaving a son, Archibald, who became the sixth earl, and another son who was afterwards celebrated as Sir George Douglas of Pittendreich (Balfour Paul, *Peerage*, i. 187). Dacre on November 23 (date doubtful) reported the death of Angus (H., i. 4573).

³ H., i. 4556.

⁴ Law's MS.

and another showing that the lords ordained him to persevere in his candidature. It is interesting to note that Gavin Douglas dissented.

A meeting of the Scottish Parliament was held at Perth, November 26, and De la Bastie and James Ogilvy, ambassadors from Scotland to the Most Christian King, were in attendance. Louis asked, these men intimated, that the alliance made by James IV. should be ratified, and that commissioners should be sent to him with powers of confirmation. They further stated that the Lords Arran and Fleming, when in France, had requested Louis to send Albany to Scotland with an armament, and that the king now inquired whether the advent of the Duke would be welcomed. The Parliament at once granted the request for the continuance of the alliance, and agreed that Albany should be invited to Scotland, and all Scotsmen then in France who could obtain permission from Louis.¹

Henry VIII. was contemplating the control of Scotland, as his letter to Pope Leo revealed ;² but he learned from Spinelly, who wrote from Ghent on November 15, that the Scottish lords were not pleased that Margaret should have the rule, as they feared she would comply too much with

¹ A. P., ii. 281. Balfour in the 'Annales,' under 1512, wrote that "James Ogiluey, Abbot of Dryburgh, comes from France with earnest letters to solicit the king to warr against the Englishe."

² *Supra*, p. 85.

England. He was told, too, that Scottish ships were passing to France by the "back of Ireland"; that "Charles de Sempol, of your grace's acquaintance," had said that England had gained nothing by the death of the King of Scots; and that the Duke of Albany would shortly go into Scotland.¹

It has been seen that Leo determined to send a nuncio to Scotland, and when news of Flodden reached him his purpose was not changed. Order was still to be restored in the country, and the papal collector would secure that the good offices of the Holy See did not go without their recompense. It was not, however, till the beginning of February of the following year that Balthazar Stuerd, as Spinelly informed Henry, journeyed from Brussels towards Calais. Spinelly also reported that the nuncio said that he was going into Scotland to make peace with England; but the fact that Cardinal Cibo's secretary was accompanying Stuerd, with directions to take possession of the archbishopric of St Andrews in his master's name, and had "in charge, in case of refuse, to interdict the land," revealed purposes not of peace but of selfish acquisition.²

On March 10 Dacre informed Henry that the Council of Scotland was "very undecided in their purposes, the young lords always thwarting the purposes of the others," and also that there was

¹ H., i. 4561.

² Ibid., 4725.

a movement to hinder Albany's arrival.¹ A few days later he reported that the Scots were ready to attack Berwick, and were only waiting for Albany with the French and the Danes.² Early in April Dacre was able to give Henry detailed information. The Council had enacted that all fortresses were to be placed in the keeping of the Estates, and this decree may perhaps explain the fact that Gavin Douglas, at a later date, was in possession of the castle of St Andrews, from which John Hepburn, his rival for the primacy, ousted him by force of arms. In the north the Chief-Justice was to be Crawford, and in the south Home, the Lord Chamberlain. The papal envoy, Dacre said, who had shortly before reached the Border, was detained at Coldingham till his business was ascertained, and subsequently was conveyed to the Chancellor and Elphinstone.³

The pope, for political ends, resolved to honour Henry VIII., and on March 1 of this year commissioned Leonard Spinelly to present a sword and cap.⁴ Leo found it convenient to flatter a prince whose prescriptions were not always favourably received; but it may be taken that at this time the papal courtesy was inspired by the latest phase in European politics.

¹ H., i. 4869.

² Ibid., 4902.

³ Ibid., 4951.

⁴ Reg. Leo. X., i. 445.

Leo's nuncio, as has been noted, was admitted into Scotland, but the procurator of Cardinal Cibo was not allowed to enter. The treatment of these men gave Henry an opportunity, which he did not neglect, of expressing to the pope his indignation against the Scots, and he offered to avenge the indignity and act towards Scotland as he had acted towards France.¹ Leo, however, was not roused by Henry's pious anger, and, whatever may have caused the change in policy, he wrote to Albany, April 11, addressing him as governor and regent, and named Forman for St Andrews. The prelate, he intimated, was to resign Bourges in favour of Cardinal Cibo, and in addition to the St Andrews archbishopric was to have certain monasteries.² The arrangement probably commended itself to Leo as a sure means of obtaining a benefice for his nephew. In connection with the monasteries it may be noted that in presence of the Lords of Council Robert Forman, on March 30, craved an instrument that he presented to the Chamberlain the papal bull in favour of his brother for Dryburgh.³

It suited Forman at this juncture, and perhaps Leo and Louis also, that he should be represented as friendly to Henry. Spinelly, eager always for

¹ H., i. 5048 ; Theiner, 513.

² Reg. Leo. X., i. 501.

³ A. D. C.

information which he could transmit to England, learned from a companion of the Archdeacon of Moray certain facts, or supposed facts, which Forman was doubtless anxious should be reported. Writing on April 24, Spinelly intimated that Albany had gone to Brittany on his way to Scotland, and that the Bishop of Moray was at the French Court. He declared, whether he believed the statements or not, that Forman did not like the French; that he had his charge in France, against his will, from the late King of Scotland; that he was anxious to exchange his bishopric; and that the French had compelled him to renounce Arbroath. Evidently to reassure Henry, Spinelly pointed out that Forman had been brought up by the old Earl of Angus, and that he would do all in his power to promote peace between England and Scotland, "save to put into your Highness' hands the two children." Forman, he said, required nothing except a safe-conduct to Scotland, where he would communicate with such persons as Henry appointed; and in regard to the bishop not going with the duke, he had nothing to relate save his informant's suggestion that "perhaps they did not agree."¹

The letter, which undoubtedly shows that Forman was anxious to secure Henry's favour,

¹ H., i. 5006.

contains a statement which may account for an estrangement which took place between him and Albany. The French, it was reported, had compelled the bishop to renounce Arbroath; and there is definite information that on November 20, 1514, he yielded his rights in the abbey to the Earl of Moray, the illegitimate son of James IV., who studied under Erasmus.¹ Documents of 1517 indicate that he received a pension of £1000 Scots from the monastery at the hands of the earl, who was commendator.² Dacre, writing on July 15, 1515, spoke of a son of the King of Scots who had accompanied Albany to Scotland, and who might be promoted to St Andrews. It may be taken as practically certain that the earl was the claimant for Arbroath whom the French favoured; and also that Albany supported him, and was unfriendly to Forman on account of his endeavours to ingratiate himself with Henry.

From the character of the English king it may be suspected that the indignation expressed to Leo was roused by the absence of humility on the part of the Scots, after their defeat at Flodden, rather than by insults to ambassadors from Rome. Henry could not punish the Scots for their unwillingness to treat him as their conqueror, but he could have the mean satis-

¹ Reg. Leo. X., i. 779.

² Theiner, 524; Brady, i. 165.

faction of trafficking with Cottingham. Leonard Spinelly had arrived in London with the sword and cap, and by June 15 the presentation had been made.¹ The bearer of the papal gifts was not disappointed in a reward. A benefice yielding £200 per annum was given to him,² and we read with amusement that the benefice was Cottingham.³ It was a clever stroke for Henry to grant the papal messenger the very living which his Holiness himself had permitted Forman to retain; and the action was at the same time a defence of the royal prerogative against the encroachment of Leo.

Henry, if he did not know from other sources the pope's proposals regarding St Andrews, was to learn from his correspondent Spinelly, July 1, not only that the Scottish Council would not agree to the election of Cibo to the archbishopric, but also that Forman had been negotiating for an exchange with Bourges, and that he desired to be made cardinal and legate *a latere* in Scotland.⁴ Another step was taken in Scotland itself in regard to the archbishopric when the queen, Margaret, requested the pope on June 22 to approve her nomination.⁵ It is not clear whether Elphinstone was still being recommended. The narrative of Boece creates

¹ Cal. Venet. Papers, ii. 45.

³ H., i. 5198.

² Ibid.

⁴ Ibid., 5208.

⁵ Ibid., 5678.

the impression that the bishop was in failing health for some time before the end; but as the evidence shows that Gavin Douglas was not supported by Margaret till after Elphinstone's death, it is probable that in her letter she reiterated a desire for the Bishop of Aberdeen.

Though Forman was not regarded with favour by the queen, there is no sign that the Acts against impetrators at Rome were at once set in motion against him. The account of Moray on July 17 mentions a payment to the bishop; and on July 20 George Crag rendered his account, showing that Forman was still in undisputed possession.¹

As the months passed without a settlement of the archbishopric, the apprehension increased among the Scots that Rome would exercise an unauthorised prerogative. In name of the youthful king, on August 5 a letter was addressed to Leo regarding the Scottish benefices. Representation was made that the popes had been accustomed to await nominations by the Scottish princes, and that a period of eight months for these nominations had been granted, and had been observed by Julius II., even when prelates had died at Rome.² Leo had been fully

¹ E. R., xiv. 43.

² The implication was that a see might strictly be held as vacant *apud sedem*.

informed, it was stated, of the importance, especially at this time, of an observance of the privilege, and it was pointed out that the Archbishop of St Andrews was by precedent the custodier of the king in his infancy and youth, and Kennedy's services to James III. were adduced in proof. The pope had written, it was stated, on October 4, 1513, expressing his solicitude, and Balthazar Stuerd had delivered the letter; and now it was hoped that he would not confine himself to a mere expression of goodwill and paternal interest. Nominations were intimated, and the first confirms the assumption that in June Margaret had had no new choice to announce. Elphinstone was to have St Andrews; George Crichton, Abbot of Holyrood, would take the vacant seat in Aberdeen; Patrick Panter,¹ the accomplished secretary of James IV., was recommended for Holyrood; while Andrew Stewart, Bishop of Caithness, was to have the vacancies created by Panter's promotion, and in addition Cambuskenneth *in commendam*. Though Albany and the French had pressed Forman, as has been conjectured, to renounce his claim to Arbroath in favour of the Earl of Moray, Gavin Douglas was now, as before, officially nominated for the monastery; nor was there any alteration in regard to Dun-

¹ He had fought at Flodden. Cf. Reg. Leo. X., i. 528.

fermline and Coldingham, which were assigned to a Hepburn and a Home. The letter, expressing in strong terms the national determination, narrated that the Parliament had lately decreed, amid general consent, that the Scots would no more contemplate relinquishing the choice of their archbishop than they would think of suffering the partition of the kingdom.¹ Another letter of the same date seems to be addressed to Cardinal Cibo; while a third, directed to a cardinal, contains the emphatic words, "*nam etsi Romæ causa nostra vincatur, domi tamen victores stabimus.*"²

The relations between the Scots and the pope were now strained. It would be an historical blunder to represent the controversy as associated exclusively with the archbishopric. The destination of that office, it is true, would demand a settlement before an allocation of other benefices could be attempted, and Leo had the interest of his nephew to consider, involving the admission of either the cardinal or Forman to St Andrews. There were other facts, however, of wide political significance. The Regesta of Leo X., which are printed up to the autumn of 1515, show scarcely any provisions to benefices in Scotland, and the majority of the recorded cases relate to candidates who

¹ E. R. S., i. 197.

² Ibid., 201, 202.

had been present in the Roman Court. Moreover, it was not till May 1, 1517, that a royal letter informed Leo of the determination to acknowledge him as the true Vicar of Christ and Catholic successor of St Peter, and to offer the obedience of Scotland.¹ The character of Leo is commonly represented as diplomatic even to duplicity; but the case of Scotland, before the obedience was tendered, may have brought home to him the warning of Henry VIII., when the schismatic cardinals were to be received again into favour, that it would be thought that he was lowering the dignity of the Holy See and inviting rebellion, if it was observed how light were the penalties and how easy the restoration.² Scotland in the tragic affair of Flodden had been disobedient to Rome, and now through the promotion of Cibo the national feeling was antagonistic to the Holy See. The pope saw that if he did not publish his own confession of weakness he must persevere with Forman, who had been put forward in place of Cibo. Yet Forman, though a Scot, was not to many an acceptable person, and the disaster of Flodden was counted against him. No faction adopted him as their candidate. Leo, however, if he departed from him, would be injuring his own authority, and

¹ Theiner, 520.

² H., i. 3876.

he remained steadfast in his purpose, trusting doubtless that opposition would be weakened by the strife of parties.

If Lesley's statement is correct, Margaret's fateful marriage with Angus was solemnised on the day after the young king's letter was addressed to the pope, and that marriage simply added to the political disquiet. Myln narrates that certain of the Lords proceeded to Dunfermline, where Margaret's office of guardian was declared forfeit; and further, that while some of the notable men continued to support her, and form a party with her on account of their attachment to Angus, there were others, led by Archbishop Beaton and Lord Home, who were eager for Albany's arrival.¹ The real facts are that she herself intimated, August 26, 1514, to the Lords of Council her consent to the calling of Albany, her determination not to deal with Crown affairs till September 20, her suggestion that the Great Seal should be given till that date to Gavin Dunbar, Archdeacon of St Andrews, and the keys of the Seal to Gavin Douglas, and, lastly, her willingness to hold the Seal with permission of the Lords. Arran at the meeting of the Council asked for an instrument showing that the Lords consented to the restoration of the

¹ Vitæ, 48.

Seal to Archbishop Beaton, while the Lords themselves unanimously agreed to invite Albany to become Governor of Scotland.¹ On September 18 the Lords, assembled at Dunfermline, again decided to call Albany; and after Gavin Douglas, as representative of Margaret, had declined to recognise Beaton as a judge in any action concerning her, they decreed that she had lost the tutorage of the young king in consequence of her marriage.²

Two events occurred in the autumn of 1514 which were important in connection with Leo's policy and affected Scotland. Early in August a treaty was arranged between Louis and Henry, which ensured peace for their countries but left Scotland in danger.³ The second event was the death of Elphinstone, which took place on October 25 at Edinburgh;⁴ and on the following day it was declared at the Council that his interest in St Andrews and Aberdeen had lapsed, and that no one should negotiate for these benefices without a licence from James and the Lords.⁵ An archbishopric and a bishopric were vacant. The political factions would naturally favour different aspirants for the offices, and we may well believe that Leo would receive

¹ A. D. C. Appendix, IV.

² A. D. C.

³ Cf. H., ii. 2612. Teulet, *Papiers relative to Scotland*, i. 4.

⁴ *Aberd. R.*, i. 49.

⁵ A. D. C.

letters and messengers enlightening him on the prevailing anarchy, and illustrating it by a multitude of requests.

On November 13 the pope in consistory proceeded to manipulate the matter of St Andrews and Bourges. The news of Elphinstone's death could not have reached him, but the confusion caused by Margaret's marriage must have warned him that it was time to intervene very directly in Scottish affairs. Probably he would have acted sooner had not troublesome negotiations with France been involved. It is quite clear that Louis refused to accept a provision of Cardinal Cibo, and was insisting that Bourges must ultimately fall to his own nominee, a certain Antony Boher. The acts of the consistory of November 13 indicate the difficulties which delayed the exchange of archbishoprics contemplated since the spring. Leo annulled any chapter elections which might have taken place at St Andrews. In this act there could have been no reference to the second nomination of John Hepburn, which took place, we are told, after Elphinstone's death.¹ Having cleared the way he provided Forman, permitting him to hold Moray, probably at the request of the prelate himself, who would be careful to retain a great position or to have an important

¹ F., 186.

benefice at his disposal. The retention and the disposal would each enrich the papal treasury. Other benefices already held were not to be taken away, and privileges dependent on primacy or legation were innovated. The Cardinal of St Eusebius, who had acquired some right in Dunfermline, now ceded it in favour of the archbishop. The consistory also provided Cibo for Bourges, burdening the tenure with a pension for Forman. By these acts the dignity of the Holy See was maintained, since it yielded neither in St Andrews nor Bourges, and the papal exchequer was satisfied. Cibo, however, retired from Bourges, giving place to Antony Boher, and secured the usual pension, with the commend of a monastery vacated by the Frenchman.

The provisions made in Scotland by the pope indicated very clearly his determination to support Forman and Albany, without regard to Henry VIII. and Margaret's faction in Scotland. It is not easy to determine, however, what were the relations between Albany and Forman. Spinelly, as has been shown, was led to believe that Forman was annoyed by the demand that he should give up Arbroath; and it was suggested to him that perhaps Albany and Forman "did not agree together." Lesley, on the other hand, relates "that in the moneth

of November (1514), about the xx day thair of, De la Bawtye ressavit the castell of Dunbar in the behalfe of the Duik of Albany, be delyverance of the Dene of Glasgw, brodir to the Bischop of Murray, callit Forman."¹ The statement is verified in the record, November 20, of the proceedings of the Lords of Council. De la Bastie for Albany, and Robert Forman for his brother, obtained a decreet in reference to the transference of the castle; and it is stated that the Lords, following letters from Albany and the Bishop of Moray, agreed to the arrangement. It is evident that Albany and Forman were on friendly terms when their agents were negotiating; and, whatever may have been the trouble in regard to Arbroath, we know that on November 20 James Stewart was named for the abbey. The papal attitude to the queen's faction, to which the Douglasses adhered, was rendered still more clear by an order, November 26, to Gavin Douglas and his accomplices to yield possession to Stewart within six days.²

Forman, though provided to the archbishopric, had many difficulties to overcome before he entered into possession. After Elphinstone's death, John Hepburn hastened to secure his own election by the chapter. He was at

¹ Cf. H., i. 5641.

² Reg. Leo. X., i. 782

Edinburgh on November 16,¹ and on November 23 Margaret informed Henry that he was besieging St Andrews Castle.² At the same time she stated that she had given the archbishopric to Gavin Douglas, and asked Henry's support for him. The castle was the chief residence of the archbishop, and the Act anent fortresses had prevented it from passing into the hands of the vicar-general. A papal document of 1515 described Douglas as ousted by him.³ It is possible that Douglas may have obtained from the Estates authority to hold the castle in their name, though, according to Buchanan, he simply took possession of it.

Margaret, as she showed in her letter from Stirling, regarded the situation as so serious that she begged Henry to send a fleet to the North, and implied that it would be well to forestall the advent of Albany, to which her enemies trusted.

Though not prepared with a fleet for the North, Henry was determined to prevent Albany and Forman from reaching Scotland; and on November 28 Wolsey was informed that Louis would send neither of these men, but "one in a long gown of no great estimation."⁴ Whatever France, however, might be persuaded to

¹ Aberd. R., ii. 310.

³ Reg. Leo. X., ii. 211.

² H., i. 5614.

⁴ H., i. 5649.

attempt, Leo had very definite commands for Scotland. On December 8 he wrote to Margaret, ostensibly in answer to her letter of June 22, and intimated the provision of Forman. The queen had insisted on a Scottish archbishop, strangely oblivious of the shining merits of Cibo and the kindly thought of Leo, who had hoped to find here, "as it were, a bond of closer union" between himself and Scotland. Since these virtues were despised, the pope, compelled to consult national desires and the honour of the Apostolic See, applied himself to the problem, though prolonged cogitation was not necessary. Andrew Forman, then of Bourges, readily occurred to him as deserving the honour, particularly as there were *multa extrinsecus adjumenta* supporting the choice. James IV. had loved the man for his loyalty and uprightness: the pope owed him a return for his efforts on behalf of the general peace and the good of the Apostolic See; and when it was the case of providing a Scotsman, there was no one with a stronger personal claim, no one more agreeable to Leo, or better fitted to serve his country. The church of St Andrews had therefore been conferred upon him, and with it certain monasteries. Furthermore, he had been created *legatus a latere* in Scotland, with faculties doubtless profitable

and salutary for the realm.¹ The statement regarding the legatine rank was not strictly correct, since the consistorial act was not passed till three days after the date of the letter. From the official report we learn that Forman was commissioned to James V. for life, with the power of a *legatus a latere*.²

As for loyalty, Leo continued in his letter to Margaret, Forman would be found perfect, even as he had been to James IV. faithful unto death; and if the advantages to Scotland were considered, there was none whose knowledge of affairs and personal influence could avail more at home and in the papal Court. Patriotic considerations had received due attention, and if the Scots acquiesced in the decision now made, not only would privileges be observed, but also additional favours would from time to time be granted. The pope proceeded to say that the translation had been effected in the consistory before Margaret's communication had been received. Yet a better provision could not have been made, and the appointment must stand. Though Leo did not refer expressly to any communication from Margaret apart from that dated June 22, it seems as if he made allusion, towards the close of his letter, to the royal nominations of August 5, or to those of a

¹ E. R. S., i. 267.

² Reg. Leo. X., i. 794.

later date, and also to the assertion of the Crown right strengthened by the authority of the Parliament. The persons nominated, he agreed, were excellent men, but they must wait. It would be clearly derogatory to the dignity of the Apostolic See to make any further change, "cum res jam bis mutata sit." This phrase, at first sight, might suggest that between the provision of Cibo and the exchange with Forman some other arrangement had been concluded; but a review of the circumstances and the ambiguity of the expression, together with the fact that there is no trace of any other plan, lead to the conclusion that if Leo could not promote his nephew to St Andrews he was determined to advance Forman.

On the day on which the reply to Margaret was written a consistorial act directed Gavin Douglas to yield Arbroath within six days to James Stewart.¹ The provision of November 20 had been followed by a similar mandate, and now the order was repeated, together with one for the Archbishop of St Andrews against James Hepburn in the matter of Dunfermline. On December 11 Forman was commissioned to Scotland for life, with the power of a *legatus a latere*.² Leo, it is worthy of note, did not consider Henry's protest regarding Cottingham.

¹ Reg. Leo. X., i. 793.

² Ibid., 794.

Leonard Spinelly informed Wolsey with regret that the Bishop of Moray had succeeded in effecting an exchange of Bourges, with the reservation of Cottingham;¹ and no doubt Spinelly, to whom Henry had assigned the English living, had learned the fact, as he himself said, with sorrow.

Forman was now fully equipped for a return to Scotland. Albany, too, was busy with preparations. He sought the Duke of Suffolk, who was in France, and told him that Louis XII. wished him to go to Scotland, and that he himself hoped to make peace, which would be for the honour of Henry VIII. and the "surety of the children."²

During these days George Brown, the venerable Bishop of Dunkeld, was nearing death, and the Earl of Atholl, without decently waiting for the end, persuaded the chapter to elect his brother, Andrew Stewart. Word was sent to Albany, who, however, would do nothing towards a settlement till he reached Scotland.³

Brown died on January 14,⁴ and four days afterwards Gavin Douglas intimated to Williamson, a Scottish ecclesiastic in the English service and pay, that his thoughts now centred on

¹ H., ii. 7.

² Ellis's Letters (2nd Ser.), i. 256.

³ Myln, 'Vitæ,' 71.

⁴ Ibid., 54. Jan. 15 according to Gavin Douglas (Douglas Book, iv. 68).

Dunkeld. Williamson, however, had written on the 15th that though Forman had secured the best benefices in Scotland, he was to be declared a traitor, and that Douglas might get anything he liked.¹ In his own communication Douglas declared that "zonn evyll myndyt Byschep of Morray" was interfering with the promotions in Scotland, and had secured St Andrews, Dunfermline, Arbroath, "legacy," and other faculties; but he evidently did not know that Arbroath had been given to James Stewart, and that papal mandates had been prepared against his own occupancy. Continuing his letter, Douglas stated that controversy was sure to be costly and success doubtful, and therefore the queen and himself, with his friends, thought it well that he should be promoted to Dunkeld, third of the great churches. Williamson was to see that neither Forman nor Albany entered Scotland, and was told that on January 16 Forman's clerk, Master John Sauchy, having landed at Leith from a French ship, had published the Bulls of St Andrews at Edinburgh. Douglas believed, however, that the archbishop would not have possession that year. Further, Henry was to be asked to write to the King of France, requesting him to withdraw his favour from Forman. Louis was dead, though

¹ H., ii. 27.

the writer was not aware of the fact. "And kouth the kyng," said Douglas, "solyst hys brothyre of Frans to haf that byschep rendyrryt to hymm othyr be pollycy or other ways, that he mycht thereftyr be demanyt as efferis, all thir thre realmmys I trast war brocht to grete rest, ffor he is and hes beyne the instrument of mekyll harme, and I dreyd sall zit be of mayre and he be nocht snybbyt." It would appear from a postscript that Margaret considered Williamson too easy in his opposition to Forman, and bade him "mend that falt." Henry was asked to stop all communications passing through England without Margaret's authority, as such letters were the first cause of trouble about the promotions.¹ Some one, it is plain, was supporting Forman, and the writer of these letters, as will be seen, may well have been Lord Home. Further correspondence was carried on between Douglas and Williamson regarding a plan for taking Margaret and "her relatives" to the Marches, and also regarding the invasion of Scotland by the English.² Douglas was anxious that Henry should set out for Scotland, as the people were so oppressed that "thai wald be glayd to leyf ondyr the gret Turk to haf justyce."³ The communi-

¹ Douglas Book, iv. 68.² H., ii. 27. Cf. *ibid.*, 47, 63, 65, 66.³ Douglas Book, iv. 70. H., ii. 44.

cations show that James Beaton had put forward claims for St Andrews. Douglas was informed by Williamson that Henry had sent two separate letters to Rome in opposition to the Archbishop of Glasgow; but he "had lever he had wrytyne aganis the Byschep of Morray." He confessed that he was trying to foment discord in the hope that the promotion of "zonn dyssatfull Byschep of Morray" would bring him and Albany into disrepute.¹ Douglas also wrote to Dacre enlisting his interest for Dunkeld; while Margaret on his behalf sent communications to Henry, requesting his good offices with the pope, and to Leo himself.² In the letter to Dacre, January 21, Douglas said: "My Lord, ye sall know ther is an Byschop latly deid in this land callyt the Byschop of Dunkell, and for alsmekyll as thir othir benefyces be now in pley and debaitt be this Byschop of Muray, therfor the Quenys Grace my soueran lady has wrytyn for especiall writyngis to the Popis Halynes for my promotioun thereto."³ Leo, in reply to Margaret and Henry, February 18, stated that Forman had praised Douglas, but that no provision to Dunkeld could be granted until Forman was admitted to his

¹ Douglas Book, iv. 70.

² Ibid., 72. H., ii. 47.

³ H., ii. 43. Works of Gavin Douglas, edited by J. Small. Introduction, 42.

benefices.¹ Douglas's procurator, Alexander Turnbull, afterwards hinted that "my lord of Moray" had purchased the pope's refusal to provide to Dunkeld.²

Forman, who was in France, received information regarding events in Scotland from a correspondent named Fraser, who wrote on January 20, and addressed him as *legatus natus* and *a latere*.³ Fraser had previously intimated the death of Elphinstone and Hepburn's candidature, and now the death of Bishop Brown was reported. Forman, it appears, had secured a reservation of Dunkeld, and his reckless speculation in benefices had policy underlying it. Each living in which he had an interest could be used for purposes of bargain. Fraser went on to say that the archbishop should write to Rome regarding the benefices, and should see that nothing was done in regard to Dunkeld till he had had an interview with Home, the Lord Chamberlain, who was friendly to him.⁴ It was clear, he proceeded, that Hepburn would not submit. Forman's Bulls, he told him, had been published on January 16 and 17 in the High Church and Abbey Church of Edinburgh; and before closing the letter he hinted that

¹ A. D. C.² Ibid.³ H., ii. 40.⁴ Spottiswoode says that "some write that he (Home) was Forman's uncle."

Home would like Holyrood for his brother of Jedburgh.¹

There is no official account of the publication of the Bulls; but Lindesay of Pitscottie has an interesting if not an accurate story to tell. No one would proclaim the Bulls, through fear of the Hepburns; and seeing this, Forman "maid his meane and complent to the lord Home schawand to him that he was ane Merse mane borne and all his kin and freindis servandis to him and his house; quhair foir he desyrit him effectouslie to cause his bullis to be proclameitt and to fortiefie him aganis the Hepburnes. To that effect he gaue him the pryorie of Coldinghame to gif to his brother quhilk was wacand in his handis at that tyme be ressone that he was Legat. The lord Home sieand Bischope Androw Formans liberalietie to him caussit his brother M^r Williame Home to pase to Edinburgh witht the number of ten thowsand men and thair proclamett the saidis bischopis bullis contrair all the Hepburneis willis and might at that time; and allso past to St Androis and intimat the samin and to gif the Bischope institutioun and possessioun of the said bischoperick."

In Bishop Lesley's version of the story there

¹ Forman afterwards asserted that access to St Andrews could not be obtained for purposes of proclamation (F., 173).

is the strange mistake of crediting Margaret with favour towards Forman.¹ "At Edinburch," he says, "the samyn xv day, the bills of provisioun (of) Androw Forman than bischop of Murray, to the archebischoPRIKE of St Androis, Abbayis of Dunfermeling and Arbroithe, raiset in Rome be the supplicacioun of the Quene and Duik of Albany, were publiSET and servit; for the quhilk caus, the prior of St Androis pretendand title to the bischoPRIKE be the said electioun and generall gift of the lords of the realme, appetit thairfra and made greit impediment; and thairfoir convenit the maister of Halys and utheris his frindes to Edinbrugh, and the Lord Hwme chamberlane, with dyvers utheris in thair contrair; quha causit denunce the saide maister and priour with all thair assistaries be the kingis letters rebellis, and putt thame to the horne, and thairfoir wes compellit to leif the toun. And the prior of St Androis, in Maj thaireftir, past to Rome to justifie his awin appellacioun."

Margaret had certainly not joined Albany in a supplication to Rome; and her secretary, writing to Williamson on January 22, declared that the Lords would combine against Forman, and that the Duke, if he took his part, would be worse received.² The Lords did not unite

¹ See also Balfour's *Annales* under the year 1515.

² H., ii. 50.

against Forman, but in Council acted as judges in his case. On January 25 James Hepburn, who had secured a nomination to Dunfermline, represented in their presence that the Archbishop of Bruges (*sic*) and Bishop of Moray, against the royal privilege, had purchased most of the benefices made vacant by Flodden, and had given sinister information to the pope. He accordingly petitioned for assistance in the defence of the royal privilege. Robert Forman, in name of the Archbishop and Legate of Scotland, as he styled him, asserted that Andrew had purchased the benefices that Italians might be excluded. Hepburn, again appearing, requested the Lords to support him against Andrew, whose advice, it was a notorious fact, was "the whole occasion and cause of Flodden." Robert Forman in turn appealed for their help, and James Beaton asked them to write to Albany for the conservation of the king's privilege in regard to benefices. On the following day Robert Forman sought an instrument that his brother would stand to all matters concerning the common good of the realm, and that he had not infringed the royal privilege. Another instrument was sought, setting forth that as the Bulls of St Andrews had been published the Lords temporal should take heed to them, seeing that divers of the

Lords spiritual were suspect to Andrew, and, further, that when "the body of the realm" was gathered, Andrew would lay down his right to them. Forman's enemies, however, would not yield; and James Hepburn requested an instrument confirming the king's privilege and ordaining that the Bulls should not be put into execution, or that the Act against impetration should be enforced. The Lords, after hearing the statements, did not commit themselves to definite answers.¹

Towards the close of January Williamson sent word to Gavin Douglas that if he anticipated his enemies, and acted according to Henry's counsels, he might have any promotion he desired, and that Moray would be a slave as he began. The ambitious prelate, the writer of the letter asserted, had been brought by him into disfavour, and if he went to England he could neither help his friends nor hurt his foes.² Henry himself, writing to the pope, January 28, intimated that he understood that Forman would never be admitted, and that he was "utterly different from Douglas in nature and character." At the same time he urged the claims of Douglas for St Andrews, asserting that his promotion would be "a chief corner-stone in the foundation of peace and concord."³

¹ A. D. C.

² H., ii. 66.

³ Theiner, 513.

The advice, given by his correspondent Fraser, to look after his benefices was probably taken seriously, since we find that Forman went to Rome, where he resigned an unconsidered trifle—the succentorship of Moray;¹ and on March 2 Leo commended him to Francis I., and desired credence for him.² On the same day the pope, communicating with Henry, who had sought to prevent the departure of Forman to Scotland with legatine authority, stated that he had consented to recall the archbishop as legate to Scotland, though he admitted his indebtedness for the resignation of Bourges. He had told Forman, he said, how strongly he desired friendship between England and Scotland, and had instructed him—and the prelate would obey if he received a safe-conduct—to visit England on his way to his own country.³

In an instrument of appeal against Hepburn, drawn up at a later stage of the controversy, Forman related some of the events which preceded his arrival in Scotland. After the proclamation of the Bulls at Edinburgh, John Hepburn, it appears, gathered certain temporal lords “*juris ignaros*” to St Andrews, and held an assembly in the cathedral “*parliamentali quodam modo, quod absurdum est*

¹ Reg. Leo. X., ii. 26, dated February 10.

² Ibid., 39.

³ H., ii. 210.

audire," and thereby usurped royal authority. At this "conciliabulum damnatum" Hepburn proclaimed Forman and his friends exiles, disposed of their goods and benefices, and arranged for an attack on Spynie Castle, the palace of Moray, which would mean the spoliation of the tenants and servants.¹

From the Acts of the Lords of Council, March 2, it may be seen that there was a meeting in John Hepburn's chamber. Even the hour, five o'clock, is stated. On that day Huntly, Crawford, Errol, John Hepburn, and Gavin Douglas were together in St Andrews, and on the following day were joined by Beaton and Arran. James Wishart, the king's advocate, appeared and asked an instrument binding all of them, save Beaton, to adhere to the appeal made by John Hepburn against the Bulls of Andrew Forman for St Andrews, Dunfermline, and Arbroath. In the record of the Council there is no account of the proceedings to which Forman referred in his narrative in the instrument of appeal. It is evident, therefore, that the "conciliabulum damnatum," though the Lords themselves may have attended it, was not the Council in regular meeting.² Letters, on the other hand, have been preserved which were written from St Andrews, March 4, in

¹ F., 173.

² A. D. C.

name of James V., to Leo X. and his cardinals; and these letters may have been dictated by the promoters of the "conciliabulum."¹ After a reference to the royal privileges and to "reverendus quondam Andreas Moraviensis Episcopus," it was stated that at the time of Flodden Forman was orator in France, and unpatriotically sacrificed everything to his own ambition. It should have been the part of a subject, especially the bishop, to bring his country to peace, and of the pope to restrain the assailants of the infant king.

Instead of acting as a good subject, Forman, *parvenu* that he was, set himself to subvert the privileges of the realm. He extorted letters from the King of France and Albany, in virtue of which he had secured, according to reports, the leading prelacies and offices too exalted for him. Wherefore, the young Scottish king added, the Lords have justifiably declared him a rebel and an exile, and have deprived him of offices and benefice. "Holy Father," he continued, "we have one fixed determination, that while our kingdom lasts and our nobles and subjects live, this hateful person with his revolutionary projects must be debarred the realm of Scotland." Leo was asked to withdraw this man, exalted for the injury of king and kingdom, to

¹ E. R. S., i. 17, 18.

annul the consequences of the promotion, and to return to an observance of Scotland's privileges. If these demands were granted, orators would give the king's obedience to the pope; but if not, an appeal would of necessity be presented.

Turnbull, writing some time afterwards to Gavin Douglas, intimated that he could not say how the commission "*de nullitate et de retractione promocionis facte in persona Episcopi Morauiensis*" would have passage; and it is evident, therefore, that a decree of nullity was being sought. Reference was also made to the attempt of John Hepburn and others to secure the removal of the papal censures from themselves; while Forman's statement that the "*conciliabulum damnatum*" had disposed of the benefices of his friends is shown to be not altogether extravagant. Turnbull intimated that he had raised for Master Anthony Ogilvy a provision on the deanery of Glasgow, "*certo modo vacantem.*"¹

The fact that a letter against Forman was written in name of James V., which would be signed with the Great Seal, might lead to the inference that the Chancellor, himself a candidate for the archbishopric, was working with Hepburn. The Council records certainly show

¹ A. D. C.

that he did not consent, for some reason, to join the Lords in their appeal against the Bulls; but, on the other hand, he attended their meeting, and there was no attachment to Forman to prevent him from secretly joining in the attack against him. It is not to be forgotten, however, that he had no interest in the promotion of Douglas or Hepburn to St Andrews. The statement of the queen's secretary, on January 22, that the Lords would combine against Forman, and that Albany would be worse received if he favoured him, strengthens the view that if Forman had friends among the French party—notably Lord Home—he had many enemies, who did not include in their plans his admission to the archbishopric. Home was looking eagerly for Albany's arrival. A ship appeared one day towards the close of March, and a boat put out from Fast Castle to meet the Governor. But the ship was English, and those on board learned that Home and his friends in the south of Scotland intended to make Albany king, that Margaret was at Stirling, and that Angus had quarrelled with Home, who had been made Lord Warden of the Marches.¹

Albany's movements were carefully watched, and word was sent to Henry VIII. Writing

¹ H., ii. 287.

from Ghent on March 23, Spinelly reported that he had heard that Albany was at Rouen, and that Robert Barton and others were to sail with him, and also that he had been told that Albany had gone to a place near Amsterdam. Spinelly added that Forman was on his way from Rome, and had let it be known that he would attend Albany. It was understood that he had secured a bishopric for Angus's brother. The rumour probably referred to Gavin Douglas; and it is not unlikely that Forman was anxious to conciliate Henry VIII. by favouring the party of Margaret, and was also willing to remove from out his own way one of his rivals for the archbishopric.¹ A few days later the watchful Spinelly learned that Forman had arrived at Lyons, that he had borrowed money at Rome, and was expected to pass by Bruges, to which Albany was to send a post.²

Albany, according to information sent to Wolsey, left Paris on April 2, striking south to Orleans, from which he was to pass to Tours on his way to Brittany.³ On April 5 the word from Spinelly to Henry was that Forman had received a commission from the pope and was to accompany the Duke to Scotland, where, Henry was warned, the apostolic nuncio had great authority.⁴ Spinelly himself proceeded to Bruges, from

¹ H., ii. 261; Appendix, V.

³ Ibid., 296.

² Ibid., 291.

⁴ Ibid., 303.

which place he wrote on the 19th, saying that Forman had been in Paris one night, and had set out to join Albany; and two days later he announced that Forman was again in Paris, and that it was not known what course he would take.¹ Forman may have seen Albany, and the two may not have agreed, since the prelate in obedience to Leo was prepared to approach Henry. A Scottish priest, whoever he was, must have been acting on Forman's behalf and with his knowledge when he gave Spinelly definite information which was intended for Henry, and was duly conveyed. Writing on April 21, Spinelly said that the bishop, who had acted with the King of France against his own will, would be glad to assist England, and, if he received a safe-conduct, would hold conference with emissaries appointed by Henry.²

The course of Leo's policy is difficult to follow. On March 2 he informed Henry that he had consented to recall Forman as legate, and had commanded him to visit England and satisfy the king.³ Moreover, on that very day he sent Forman to Francis with letters of credence.⁴ Through a communication to Wolsey, dated April 11, definite word reached England that the

¹ H., ii. 335, 344. Albany was detained at St Malo by fear of English ships (*ibid.*, 343).

² *Ibid.*, 344.

³ *Ibid.*, 210.

⁴ Reg. Leo. X., ii. 39.

recall as legate had been determined, though it had not been intimated to the prelate himself, in order that Henry might first be informed how he had been acting against him.¹ In another letter, April 22, Leo informed Henry that he was sorry to hear that he was displeased with the appointment of the Archbishop of St Andrews as nuncio and legate apostolic, that he never intended to offend the king, his best friend, and that he had arranged that the archbishop should satisfy him in all things.² On April 25 the Bishop of Worcester was able to send word from Rome that another step had been taken. The recall of the legate had been intimated to the papal nuncio in France, and Leo had again declared that Forman had sworn to obey Henry.³ Another correspondent, the Cardinal de' Medici, informed Henry, June 28, that he would obey his command in regard to Forman, and he also wrote to Wolsey that he had heard that the English king was satisfied with what had been done in regard to the legateship.⁴ As early as May 22, however, Henry had thanked Leo for interdicting the legation.⁵ Henry, as is evident, had been protesting at Rome against Forman's legatine rank and power, and it may be taken that the treaty

¹ H., ii. 312.

³ H., ii. 374.

⁵ Reg. Leo. X., ii. 138.

² Ibid., 365 ; Reg. Leo. X., ii. 74.

⁴ Ibid., 634, 635.

between France and Scotland which was in negotiation, and which was actually arranged on April 5, constrained Leo to listen to him. Francis I., the successor of Louis XII., to whom Forman had letters, was no doubt as anxious as Leo that the Scotsman should come to terms with Henry; but even without the prelate's aid he was able to induce the Scots to ask for inclusion in the treaty.¹ That treaty, it was settled, was to be proclaimed in Scotland on May 15 under the authority of the King, Queen, and Lords.

There was a lull in the struggles which distracted Scotland; and a proof of the political tranquillity is seen in the fact that on May 12 Margaret was negotiating for a reconciliation with Lord Home, under the condition that he should take no part with the Bishop of Moray for benefices claimed against the king's privileges.²

In the meantime Forman was still in France. By May 18 he had reached Bruges and had written to Spinelly to ask if the safe-conduct had been forwarded, and to tell him that to the dislike of the French he was to pass to Scotland by way of England. Unfortunately, Spinelly's letter which conveyed the information is mutilated, but we learn that Forman thought that

¹ Appendix, VI.

² H., ii. Append. 11.

“with his legatine authority and by his friends” he could do something, which, as may be conjectured, was intended to be acceptable to Henry.¹ The prelate did not receive a safe-conduct, and whatever his schemes or hopes may have been, he did not succeed in obtaining the favour of Henry, who was aware that the factions in Scotland were unfriendly to the man who had been the chief counsellor of James IV. He was useless for Henry’s plans, and the very fact that he had offered himself to the English king caused him to lose for a time the friendship of Albany. In his effort to find grace with Henry he had supported Gavin Douglas for Dunkeld; and though that effort itself failed, Douglas was provided in consistory, May 25, and any election or postulation of Andrew Stewart was quashed, as well as any confirmation thereof by a metropolitan or other apostolic authority.² Forman was certainly not interested to promote Douglas save to further his own ends, but he had none the less the consolation of knowing that a formidable rival for St Andrews had been removed.

Albany, after the long tale of negotiations and delays, landed at Dumbarton, and, May 22, was in Glasgow.³ Many of the Lords welcomed him, and in their enthusiasm proffered the oath of

¹ H., ii. 473.

² Reg. Leo. X., ii. 98.

³ H., ii. 494.

allegiance before he left the vessel.¹ One of his first acts as Regent was to inform the French king of his approval of the inclusion of Scotland in the treaty.²

Forman did not sail with Albany, but lingered in Bruges till about June 3.³ The outlook was not bright. Lord Home, who had befriended him, was now associated with the Hepburns, and had married Lady Bothwell after dispensation from Balthazar Stuerd,⁴ while his heir was in intimate relation with Patrick Hepburn.⁵ Albany, too, was estranged from the prelate, whose dealings with Henry he did not approve. A letter from Stuerd to Wolsey throws some light on the situation. The nuncio had looked forward to leaving Scotland in May, but owing to Albany's arrival and the matter of the benefices he could not depart before the meeting of the Parliament on July 10.⁶ Albany, according to his own statement, detained Stuerd, an "acerrimus defensor" of the Holy See, that he might have his advice, which was doubtless required in regard to the archbishopric.⁷

Forman left France before the revocation of the legatine authority could be notified to the

¹ H., ii. 1098.

³ Ibid., 576.

⁵ Hist. MSS. Rep., xii. 8. 128.

⁷ Ibid., 560. E. R. S., i. 211.

² Ibid., 494.

⁴ Laing's Charters, 302.

⁶ H., ii. 559.

papal nuncio in that country; and the Bishop of Worcester, in announcing the fact to Henry, stated that he would have the revocation intimated personally to the Scotsman, or have it posted on the doors of the church.¹ As the English bishop could get no explanation from the nuncio regarding the briefs "super legatione," he asked the pope to issue new letters. His Holiness, swearing that he would not for 100,000 ducats do this for any other prince, granted the briefs and entrusted them to Gavin Douglas, since no one in Scotland was more fit for the business. The pope professed to be annoyed with the French for allowing Albany to pass to Scotland.² It was necessary for the success of the papal plans to secure Henry for the league which was being promoted, and he was therefore able to obtain favours which were not always more than promises.

The revocation of the legatine power and the attitude of Albany to Forman present many difficulties. Writings recalling that power were to be sent to Scotland, though the original letters were never delivered in France. On the 3rd of June Wolsey asked the Bishop of Tricarico to send a messenger to Flanders with the briefs for Forman. In

¹ H., ii. 574.

² Ibid., 493.

reply the bishop stated that by the time he received them the Scotsman had stolen away, and he had therefore returned them to Rome, though to serve Wolsey he was willing even to go to Scotland.¹ Forman left for Scotland on one of the first days of June, and on the 17th Spinelly reported that Albany and the prelate were good friends, but as the latter "is not popular in Scotland, they wend different ways."² Albany had reached Scotland, as has been shown, and writing from Edinburgh on June 21 he asked Leo to observe the royal privileges in appointments to prelacies, and stated that there had been trouble between those having the royal nomination and those with the papal provision. As the business, he said, would require time, he would be glad if the pope would send his briefs of suspension, censure, and process in reference to provisions not yet admitted; and he added that it was his intention that Scotland should offer obedience to his Holiness.³

Forman, making his way to Scotland, reached Pittenweem, in which, as he was commendator of the priory, his lodging at least was secure. At the landing a messenger met him, and in the regent's name forbade him to leave the

¹ H., ii. 595.

² Ibid., 593.

³ E. R. S., i. 215.

place, even to attend the Parliament.¹ Before the prelate's arrival Wishart, the king's advocate, proposed to raise actions against him for impetration, and on June 1 the Lords deliberated on the case. Robert Forman urged that James IV. had given Andrew licence to take any benefice vacant in Scotland, and referred to letters to the same end granted by Albany. In face of such evidence the Lords could not require Forman to answer before them, though Wishart asked an instrument that he had charged them to enforce the Act against impetrations. It is worthy of note that the record is faintly crossed out, as if there had been doubt regarding the judgment. The case, however, was not concluded; and on June 2 it was decreed that if the prelate had purchased Dunkeld or Aberdeen he had incurred the penalties under the Act. His brother, appearing on his behalf, answered that if Aberdeen had been purchased for him, he renounced it, but Lord Fleming still urged that the case should proceed. On the same day the Lord Clerk Register produced the Bulls of St Andrews, and asked an instrument that they had been presented before Albany by Robert Forman. In spite of the decision not to prefer a charge of impetration in regard to St Andrews,

¹ F., 173.

and in spite, too, of the production of the papal Bulls, Albany and the Lords resolved, June 9, that a messenger should meet Forman at the port of landing and charge him not to leave the place; and on the 28th they determined to inhibit him from exercising archiepiscopal jurisdiction till admitted by the regent. Robert Forman duly protested that what the Lords did touching the archbishopric should not prejudice his interests.¹

Albany was cordially received in Scotland, but Henry was not satisfied to leave him undisturbed. He refused to recognise him as regent,² and continued his interference in Scottish affairs, so that the Lords of the Council were constrained to make formal intimation to the pope that Albany had been accepted as Governor.³ Leo was asked not to confer prelacies without the regent's authority, and was informed that there were rumours that the English king was claiming to be Protector of Scotland and was recommending for benefices.⁴

The regent, as has been seen, showed no favour to Forman. He could not approve his schemes to ingratiate himself with Henry, and could not endanger his own authority by advancing the man whom the Scottish factions were

¹ A. D. C.

³ A. D. C. (July 3).

² H., ii. 664.

⁴ Rymer, xiii. 513.

united in opposing. For a time he was strongly influenced by John Hepburn, and Lindesay of Pitscottie did not err when he attributed to that association Albany's estrangement from the prelate.

Forman had returned to his own land, but not to the inheritance of the historic see. The papal brief, too, regarding the legatine authority was not to be cast aside by his enemies. Dacre, describing it, July 2, as a "speciall revocation of such auctorite as the pope's holyness commyted to hym, and also of the king's legacie," sent it to Gavin Douglas, and informed him that the archbishop was thought to be in hiding in Scotland.¹ Douglas also learned from Williamson that, "as for the Bischop of Murray, his legacy is revokit be the Paipe. He is departit furth of Flandris, and I think that he hydis him in Scotland to mak dissention amang you. He neuir did guid in Scotland nor neuer sall."²

On July 14 Dacre was able to relate the adventures of the papal brief. It was carried by one of his servants, travelling in company with the common notary of the Marches, who had letters for Margaret and Gavin Douglas. Sir Alexander Jardine, who came upon the men near Moffat, conveyed the writings to Home,

¹ Douglas Book, iv. 73.

² A. D. C.

the warden, and afterwards to Albany at Edinburgh.¹ The duke sent her letter unopened to the queen, but read the others in presence of the Council. Douglas was summoned, and, charged with trafficking with Leo and Henry without licence from the king or regent, replied that he had done nothing, and did not know what Margaret was trying on his behalf. "Being fret with ire and malice," Albany committed him to ward in Edinburgh Castle. Dacre further narrated that his spies had brought word that Forman was in Scotland, and that the regent had "commanded him to ward to remayne in the priory of Pettenweeme, within eight myle where he landed," and had forbidden him the Court and the Council. It was thought, Dacre said, that he would be kept "in strater warde" till he resigned in favour of a natural son of the late king, who had arrived in Albany's company.² The son to whom Dacre referred was the Earl of Moray.

Margaret's letter, which Albany did not retain, conveyed the information that Leo had appointed Douglas to Dunkeld, and had made "a revocation to the Archebusshop of Saint Andrewes of

¹ Jardine appears later as comptroller of Albany's household (H., ii. 1672).

² Douglas Book, iv. 313.

sich authorities with the legacie of the king, and haith remitt the execucion of the said authorities and fulfilling of the legacie to my said Lord of Dunkell.”¹

The charge of the young king belonged by ancient custom, and also by the will of James IV., to the Archbishop of St Andrews, whoever he might be;² but Forman, though the pope had named him for the primacy, was not to have the custody of the royal person, which was given to Gavin Douglas. The regent had imprisoned Douglas, and some time afterwards Leo declared him an offender against the Holy See for his treatment of the prelate.³ On July 6 Douglas was again called before the Lords in Council. He denied the charge of impetration, and at another meeting on the 9th formally repudiated their jurisdiction. Wishart in turn argued that, as the king was the judge of breakers of his privilege, those having his authority were entitled to try such cases as that of Douglas. Gavin Dunbar intervened and asked the Lords to approve a decret of June 2 against the Bishop of Moray and others, purchasers of Dunkeld or Aberdeen. Douglas opposed Dunbar's request so far as his own name was concerned, and solicited an instrument

¹ Small's 'Douglas,' 51.

² E. R. S., i. 197.

³ Leo's letter, printed in Small's 'Douglas,' 73.

that a bill, mentioning his promotion after letters from the Lords, had been read. The bill, he stated, was in Albany's writing. Among the documents presented by Douglas was one, dated January 20, 1515, and signed by Margaret, Angus, Crawford, Errol, and Huntly, in which he was nominated for Dunkeld. There was also the communication from Leo, February 18, 1515, in which, as has been shown, he intimated to Margaret that he had heard from Forman of the merits of Douglas, but that he would make no provision to Dunkeld till the admission to St Andrews was secured. In spite of documents and arguments the Lords decided against Douglas.¹ The decision seems certainly to have been unjust, as Margaret, Albany, and some of the Lords had favoured the promotion. Albany, however, was under the influence of John Hepburn, who had contended with Douglas for the archbishopric; and we know that as early as April 6, 1514, the two rivals were disputing before the Council.² There was also the fact that Douglas was associated with the English party, and he, like Forman, had consequently come under the regent's displeasure.

Pope Leo was not the man to endure opposition even from a king or governor, and he persevered with the promotion to Dunkeld. In

¹ A. D. C.

² Ibid.

a letter to Forman as archbishop, dated May 25, he spoke of Dunkeld as his suffragan, and commended Douglas to his favour, asking his direct assistance.¹ Forman, who had as yet been unable to secure his own entrance to St Andrews, was helpless in the matter of Dunkeld. Lord Home, amidst the political shiftings, had joined the party of the queen, and Forman had lost his strongest ally, who might have been his advocate with Albany.

It was the policy of the English party to drive the duke out of Scotland, and for this end Dacre set himself to foment quarrels between him and Angus on the one hand, and Home on the other. Occasion for a quarrel was found when Albany required Home, as Provost of Edinburgh, to arrest George Douglas, the brother of Angus. Home refused, and, fleeing to Newark, committed himself to the party of the queen.² The regent more than ever was left to the influence of the Hepburns; and we find from the Register of the Great Seal that Prior John, Vicar-General of the See of St Andrews, and his nephew James, described as postulate of Dunfermline, witnessed

¹ Reg. Lat., 1325, f. 136 (Vatic. Libr.)

² H., ii. 779. On Home's association with the queen's party cf. Douglas Book, iv. 316; H., ii. 788, 808, 819, 846, 850, 861, 1672; T. A., v. 31, 34. Hill Burton ('History,' ch. 31) refers to a story that Home's ruin was helped by Forman, who was angry with him for assisting Hepburn to establish himself in St Andrews Castle.

charters between June and November, and during that time James was treasurer.¹

Forman, though he had failed to obtain the favour of Albany, had the support of Leo, and John Hepburn therefore resolved to check his communications with Rome. Determined not to violate the law, he secured a decree which forbade any Scot to seek the Roman Court without permission of the regent. The archbishop, however, appealed, and dispatched his faithful servant to Rome for the purpose, no doubt, of rousing the pope to action. But the astute prior was not to be baffled. He captured the unfortunate clerk, and, in spite of letters of safe-conduct, took him off to his house in Edinburgh. Courtesy did not keep him from reading Forman's letters and destroying some of them ; and he did not hesitate to use violence, even threatening to kill the unfortunate secretary, in order to discover his master's secrets. Hepburn succeeded, too, in keeping his rival from attending the Parliaments, and Leo's nominee for St Andrews was little better than a prisoner at Pittenweem. Moreover, Robert Forman, protonotary, along with other kinsmen and friends of the distressed prelate, was excluded from the Parliaments and meetings of Council by the machinations of the prior.²

¹ R. M. S., June 24-Nov. 4. On September 11 James was "one of the general receivers of the Casualty" (Fraser's *Wemyss*, ii. 142).

² F., 173.

The account of Hepburn's actions is taken from one of Forman's documents; but we have no means of dating the events, and the attempt to communicate with Rome may have been made earlier than August. It is to be noted, however, that on the tenth day of that month orders were issued to close the ports for "clerkis or letters without licence"; and these orders may have been intended with special reference to Forman.¹ Gavin Douglas was imprisoned in the Sea Tower of the castle of St Andrews, and Patrick Panter was in the New Tower, off Queensferry.² These men may have been anxious to communicate with Rome, but it is much more likely that Albany and Hepburn, who were keeping him in Pittenweem, feared Forman and his appeals to Leo.

Apart altogether from consideration of Forman's dealings with Henry VIII., Albany had a strong reason for excluding him from St Andrews, and Douglas, too, from Dunkeld. He issued proclamations, one notably on September 17, that the queen, Angus, and Home were intriguing for an invasion by England, and that he required money for an army.³ Early in September notice was given of a tax for military purposes.⁴ The temporality of the primatial see, if retained in the hands of the regent, would yield a goodly

¹ T. A., v. 30.

² H., ii. 788.

³ Ibid., 1672.

⁴ T. A., v. 36, 37.

sum, which could be used for purposes of defence, and was sufficient to tempt him. He accordingly communicated with David Leirmonth, who had charge of the rents.¹ The temporality of Dunkeld, which had been vacant for eight months, was also due to the king. While a king or a regent could not openly direct a see to be kept vacant that he might secure the temporalities, Albany might plead that political exigencies demanded that the papal nominees should not be admitted to St Andrews and Dunkeld, and in this fashion find an excuse for his disobedience to Rome.

The plea of political stress, however, could not set aside all other considerations; and Albany was made aware that there were creditors of the disappointed prelates who demanded satisfaction, and who were able to make disturbance at Rome, where his conduct would be inspected. Forman owed the financier Gualterotti a sum of which 8000 francs paid in 1516 were only a part;² and in the autumn the Italian was in Flanders, and showed himself anxious about his money.³ Regent of a kingdom though he was, Albany did not refuse to hear the financier, and assured him by way of excuse or explanation that he was making offers to Home to desert his new allies, and in this scheme the fortunes of Forman must have

¹ T. A., v. 40.

² H., ii. 1938.

³ Ibid., 880.

been involved.¹ It is to be noted in this connection that Forman at this juncture resigned Dryburgh, and James Ogilvy, Albany's faithful follower, was made abbot.² The regent afterwards described Forman's action as voluntary; but the prelate was neither the wanton despoiler of his own goods nor the generous patron of other men's servants, and his action plainly indicates that he was eager to secure admission to St Andrews.

An incident is recorded by Lindesay of Pitscottie which, apart altogether from the accuracy of its details, shows that the chronicler observed the prelate's desire to assist Albany. He narrates that the Lords opposing Albany assembled in Glasgow and seized war stores which had been sent from France. The regent swore to have revenge, and Forman went to Glasgow and reasoned with them. From the narrative it appears that the Lords agreed, under certain conditions, to leave the town.

Leo himself was not inactive in the matter of the archbishopric, and on October 7 issued an interdict against John Hepburn, showing that he was fully aware that that belligerent ecclesiastic was responsible for the exclusion of Forman from St Andrews. The prior, it was narrated in the interdict, had evicted Douglas and his friends

¹ H., ii. 1012.

² R. M. S., *passim*. H., ii. 776.

from the castle of St Andrews, and had refused to yield it in spite of the papal injunction. He had usurped, too, the archiepiscopal rights and retained the goods, and had prevented Forman's admission, appealing to a secular council.¹ This was not the first censure passed upon Hepburn, who from his tender years was, in Forman's phrase, a "contemptor maximus" of the powers of the Church.² The prior, as the archbishop afterwards stated, had been cut off from the Church as a disobedient son from the time when he ignored the papal Bulls proclaimed at Edinburgh, and had been suspended, excommunicated, aggravated, and reaggravated.³

At a later stage in the proceedings, probably in November, a procurator appeared before Hepburn, and acting on behalf of Forman presented a writing "in forma brevis," which was signed by Leo and the secretary Sadoletto. The vicar-general had presumed, such was the charge, to usurp the mensal fruits, goods and rights, and even the "spolium et bona," of the late archbishop; and he was therefore ordered to account for his intromissions to Andrew Forman.⁴ The prior, with stubborn indifference to the papal signature and calm disregard of his rival, refused to obey, and intimated that he would lodge an

¹ Reg. Leo. X., ii. 210.

² F., 183.

³ Ibid., 173.

⁴ F., 83.

appeal, which in due time he did. He began to see, however, that Leo was determined to place Forman in St Andrews, and that it might be prudent to make terms. Political events, too, were not favourable. Albany was seeking to win over Home, and was offering benefits to Margaret, and would probably no longer bar the way of Forman to St Andrews and Douglas to Dunkeld.¹ Hepburn, accordingly, determined to secure an arrangement to his own profit, and demanded the barony and church of Kirkliston and exemption as prior from the jurisdiction of the archbishop.²

It is impossible to determine dates in connection with the negotiations preceding Forman's admission. The archbishop related that "*litteræ rigorosæ*" against Hepburn were obtained from Rome; that the prior caused him to be cited before a Parliament; and that he himself protested, as became a good servant of the pope, that he did not recognise its jurisdiction.³ A Parliament was summoned for January 14, 1516,⁴ and that date very probably marked the conclusion of the enforced stay at Pittenweem, which according to Forman's own story continued for seven months.⁵

The negotiations connected with Hepburn's appeal occupied three weeks, and by the ulti-

¹ Appendix, VII.

² F., 173.

³ Ibid.

⁴ T. A., v. 66.

⁵ F., 99.

mate arrangement he was permitted to retain the mensal fruits of the archbishopric levied to February 4, 1516. It may be concluded that that was the date of Forman's admission, though it certainly did not mark the end of the quarrel between the rivals.¹

In an undated letter Albany intimated to the pope the terms of arrangement.² Since his arrival in Scotland, he wrote, he had given special attention to the interests of the Church, and, though anxious to obey Leo, he had to consider his duties as Protector. On the one side a strong faction contended for the observance of the royal right in nominations, while on the other there was the commanding voice of the pope. At last, after consideration of a thousand devices and the lapse of months, when plan after plan had been tried, the Archbishop of St Andrews was prepared to satisfy the claims of the Crown, postponing everything for the peace of the realm, and making only the condition that regard should be had to the dignity of

¹ F., 99.

² E. R. S., i. 216. The phrase "*fructibus . . . in hunc diem remissis*" is used. It is possible that while Hepburn was ultimately allowed to keep the mensal fruits to February 4, the first arrangement was different. The Advocates' Library MS. gives the date as May 10 (H., ii. 1869). A Parliament met on February 4 (A. D. C.), and in the sederunt of the Council, February 12, the Archbishop of St Andrews was included (*ibid.*) For a letter of Albany concerning Forman's admission, dated February 8, cf. Brit. Mus. Additional MSS. 28098.

the Apostolic See. The settlement Albany regarded as a great gain, however serious were the sacrifices of the prelate. Forman, it was shown, gave up Bourges and Arbroath,¹ divested himself of Moray and Dryburgh and his friends of Kilwinning and other benefices, sacrificed certain pensions, and retained only St Andrews and Dunfermline—"nec ea quidem integra," since he remitted fruits to the present date. The actual writer of the letter, whoever he was, gave full rein to his eloquence. Forman, he said, in years past was the successful envoy of the realm: he wrung the weapon of strife from the hand, and reconciled the kings of Britain in the very midst of arms. And when the flames of war were alight in Europe he ploughed the sea to the Most Christian King Louis of France; thence he made his way, again and again measuring the Alpine heights, to Julius the reigning pope. Ambassador of king and pontiff, he bore a double burden, heavier than it might seem possible to sustain, preferring to be overwhelmed by the load than to fail in the strenuous and prudent performance of his task. He had crossed the Alps post-haste that the steel should not fall on the neck of Christendom,

¹ The language regarding Arbroath in this letter seems to imply (cf. *supra*, p. 92) that it was promised in part compensation for Bourges, and suggests that Albany was responsible for the resignation (cf. *supra*, p. 103).

counting it the fruit and fortune of his toil to deserve all that he could of Christ's flock. Julius the pope did not forget the service, and, as a reward for the duty done, assured the Scottish king that he would mark the man with the honour of a cardinal at the first creation. Albany, in whose name the writer spoke, reminded Leo that he had sent Forman to Scotland with power *a latere*, granting Bulls which had been inspected and admitted in full Council of the realm. After expressing his sense of Forman's desert in the present circumstances, Albany, with the authority of the Council of the realm, asked Leo to make the archbishop a cardinal, and ratify by apostolic letters his power as legate *a latere*.

Kilwinning was specified as one of the benefices which had been relinquished by Forman and his friends. John Forman had been admitted to the temporality of the abbey, March 13, 1513.¹ On March 10, 1516, the abbey was given to the Archbishop of Glasgow,² and a few days later John Forman received the chantry of Glasgow.³ When Forman himself had entered into St Andrews, and the fact was known in Rome, the Bulls of Dryburgh and Moray were forwarded to Scotland. James Ogilvy was admitted to the temporality of Dryburgh, August

¹ R. P. S., 2487.² Ibid., 2725.³ A. D. C.

13, 1516,¹ and on the 26th of the same month James Hepburn was received into Moray.²

Albany, while loading the archbishop with praise and recommending him for promotion, made no excuse for confining him to Pittenweem and for hindering his admission to St Andrews. His action, as has been shown, is to be explained by the fact that when Margaret and her friends were intriguing with Henry VIII. he required the aid of the Hepburns, and could not afford to offend Prior John by favouring his rival. The defection of Home, too, would tend to estrange the regent from Forman; and it is significant that he required a promise from the prelate, before the entrance into St Andrews, to bind himself to the king and regent, and not to join with Angus or Home. Forman accepted the condition, and agreed to appoint procurators at the Roman Court who, in the event of a breach of faith, would resign his benefices to the disposal of the Governor. It suited Albany at a later time to annul this agreement,³ when Angus and Home were restored to his favour,⁴ and doubtless he hoped to retain Home by the archbishop's aid.

In regard to Forman himself, it is probable that, having lost hope of Albany's influence, he

¹ R. P. S., 2796.

² Ibid., 2803.

³ F., 91.

⁴ H., ii. 1759. Diurnal of Occurrents, 6.

inclined to Home and his associates of the English party, and that when he was actually in full possession of St Andrews, and had no longer reason to seek any favour from Henry VIII. or his partisans, he continued the friendship with Home and endeavoured to hold him to the alliance with the regent. Spinelly, writing to Henry VIII., May 27, 1516, stated that Forman had once more his old rule about the duke, and that through him the chamberlain had made his peace.¹

On January 25, a few days before his admission, Forman was at Leith and conferred with the Abbot of Paisley. One of the faculties granted with the legatine authority was the visitation of all monasteries in Scotland, exempt and non-exempt; and the abbot, who, it may be taken, had a vote to give in Forman's case before the Parliament, sought immunity for Paisley and Crosraguel. Forman agreed to the abbot's request; and on February 5, the day after the meeting of the Parliament, John Chapman, notary, waited with witnesses upon the archbishop at his lodging on the north side of the High Street, Edinburgh, and obtained an instrument binding him to his undertaking.²

Forman, when at last he reached the arch-

¹ H., ii. 1938.

² Paisley R., 357.

bishopric, turned his attention, in the first instance, to private matters of finance rather than to the spiritual concerns of the Church.¹ From a document which serves to illustrate ecclesiastical usages, we learn that the archbishop, addressing one of the rural deans, stated that, by the practice of the kingdom, the clergy, from abbots down to vicars - portioners, were obliged, at the promotion of their ordinaries, to furnish a subsidy, even a fourth part of their incomes, to meet the expenses of the Bulls. Intimating that he had been appointed primate and *legatus natus*, he demanded that the payment of the subsidy should be made within forty days to an agent, under pain of suspension and excommunication, or, in the last resort, sequestration of fruits.² The abbey of Dunfermline also demanded attention. James Hepburn, as postulate, had levied certain fruits with regard to which he and Forman came to an agreement.³ The resources of the house were now to subserve the prelate's ambition, and were to be burdened with a payment of 5000 ducats to the Gualterotti, as bankers for the Roman Court, in the event of his elevation to the rank of cardinal.⁴

¹ On August 3, 1515, the Account of Moray mentions payment to the bishop (E. R., xiv. 68).

² F., 295.

³ Ibid., 126.

⁴ Ibid., 89.

Under stress of political circumstances, September 1515, Leo, acceding to the solicitations of Henry VIII., created Wolsey a cardinal; and it was impossible for him, considering their countries, to honour at the same time a Scotsman and an Englishman.¹ The burden placed on Dunfermline showed, however, that Forman still aspired to the high dignity. But he was doomed to disappointment; and in 1517, when thirty-one men—an unprecedented number—were raised to the cardinalate, he was not among them. Some were elevated for their connection with the House of Medici, and others as representatives of countries which the pope desired to conciliate. But Scotland had neither arms nor gold for his Holiness in the war with Urbino; and Forman himself, possessing no money to purchase at a great price the high honour, was left perhaps to hope, but more likely to despair.

In connection with the prelate's financial affairs, mention is to be made of a deed by some unknown person who handed over certain lands, the sale of which was to furnish money towards the expense of the Bulls of St Andrews. The archbishop bound himself, or his successors in St Andrews and Dunfermline, to pay that person

¹ Raynaldus, 1515, 18. Cf. Creighton, *Hist. of Papacy*, iv. 276.

the sum of 500 marks Scots before a specified date.¹

The agreement, dictated when Forman was admitted to the archbishopric, required Kirkliston to be reserved for Hepburn during his life. The annuity, however consoling, suffered from one defect. The prior was an elderly man, and it was the duty of a good ecclesiastic to provide for his friends. Nothing, indeed, is more remarkable in the documents which record the squabbles of these two prelates than the frankness with which the uses of place and power were avowed. In the agreement there was a clause encouraging Forman to exercise his patronage for his own ends. He was to be permitted to redeem Kirkliston gradually by providing benefices for Hepburn's nominees, and the astute prior was doubtless aware that the financial position of his rival could barely afford him the luxury of inaction.² Further, Hepburn sought to spare himself the pain of living under the jurisdiction of his enemy, and stipulated for personal exemption in respect of benefices and churches annexed to the priory.³ Forman consented to all these terms, that he might secure admission; but when the vital point was gained and he was in possession of the see, he appointed procurators in the Roman Court to withdraw his

¹ F., 91.

² Ibid., 186.

³ Ibid., 173.

consent, on the ground that it had been obtained through force.¹

Hepburn, though ordered by Leo in the autumn of 1515, had failed to account to Forman for his intromissions as vicar-general; and exasperated by the revocations sought by the archbishop, he detained the fruits, and in the summer of 1516 launched out upon a career of litigation. In the spring of 1517 Forman, who was at Pittenweem, received intimation of apostolic letters of exemption for the prior, which was more extensive in scope than he had contemplated. Calling a notary, he dictated an appeal, which recorded the main events from the date of the publication of the Bulls at Holyrood and St Giles, and dwelt at length upon the prior's offences.² The style of virtuous indignation was certainly remarkable for a man who had had such a venturesome course of ambition. The document, however, was to be read in a quarter where high-pitched assertions would not offend. "Without a blush," the narrative related, Hepburn stipulated on Forman's admission that Moray and Aberdeen, Dryburgh and Kilwinning, a dignity in Moray, two cathedral prebends, a rectory, and two vicarates in St Andrews diocese, should be bestowed on his friends, and he was the cause of St Andrews

¹ F., 173.

² Ibid.

and Dunfermline being burdened with pensions. Not content, *velut cum Lucifero in aquilone sedere contendens*, Hepburn was trying now to exalt himself above his archbishop. This new papal document exempted prior and priory, with all annexed churches and lands, from archiepiscopal and legatine jurisdiction, and it was procured by a man who had posed as *regni fautor et conservator*. Cunning as ever, and hardening his heart, Hepburn was following in the steps of Pharaoh. Alexander Stewart, the late archbishop, had much to endure from him; and the treatment of Forman was no better. The exemption was entirely "surreptitious," and was not based upon consent; and other objections could be urged against it. Hepburn had been cut off from the Church as a disobedient son for about two years—indeed ever since he declined to recognise the papal provision—and had been subjected to repeated censure. In spite of interdict, he had taken part in divine service, and had appealed from the pope's sentence to a secular council. At the installation he took oath of obedience for himself, his churches, and his parishioners; even after the first intimation of exemption he served as dean in the synod, and appeared at the chapter held in the church of St Leonard. These actions obviously amounted to a renunciation. Further,

the King of Scots was supreme in things temporal, civil, and criminal; yet Hepburn dared to ask Rome for exemption *in civilibus et criminalibus*, though Forman and his predecessors had the regality of St Andrews *a primeva nostra fundatione et religionis Christiane exordio*. "All Christendom admits," the document states, "that the king and kingdom of Scotland in things temporal, civil, and criminal are subject to the one and eternal God, not to any pope, emperor, or other earthly prince, spiritual or temporal; . . . nor has his Holiness the pope been wont to exempt in things criminal or civil unless in dominions and lands immediately subjected in things temporal to the pope and the Church of Rome." Never was the claim of Scotland's independence more explicitly stated, and the words were those of the churchman who was Archbishop of St Andrews.¹

Another instrument of appeal sheds some light upon the ecclesiastical controversy, and convicts one combatant, at least, of misrepresentation.² Forman's procurators had extracted a Bull from the papal register which valued Kirkliston at 600 merks Scots, or £80 sterling. According to the archbishop's account it was worth double that sum; and in any case, he claimed to have

¹ F., 181.

² Ibid., 186.

redeemed the barony and church for his table, as he had granted the nunnery of Haddington, worth 1500 merks Scots, to Elizabeth Hepburn, a kinswoman of the prior. This lady, who was in her twenty-fourth year at the time of her appointment, was born *de religioso ordinis Sancti Augustini et soluta*; ¹ and if she was Hepburn's daughter, the etiquette of controversy must have precluded Forman from stating the fact. Sometime in the course of the quarrel over Kirkliston the servants of the prelates were directly implicated, and spiritual weapons, as was not uncommon, were used for secular purposes. According to Forman's narrative, John Hepburn, Prior of St Andrews, representing himself falsely to be vicar-general in the vacancy of the see, and William, designating himself Official of Lothian, in spite of Bulls relating to the appointment to the archbishopric, and in disregard of censures based on them, at Edinburgh, "in foro communi," excommunicated Forman's servitors, who were gathering the fruits of the church and barony of Kirkliston, and were resisting a collector sent by the prior. Forman, in the exercise of his spiritual authority, declared his own servants absolved. ²

The unseemly litigation dragged on. Forman took his stand upon a decree of the Lateran

¹ F., 82.

² Ibid., 75.

Council in its tenth session, that exemptions were dangerous to ecclesiastical discipline, and should not be granted without "reasonable cause" and the citation of parties. Another appeal in 1519 laid emphasis upon the fatal dismemberment of the diocese, brought about by the exemption.¹ The prior, "in the heat of envy and, so to say, yelping like a cur," would not refrain from harassing the archbishop. He had procured letters conservatorial, with the Archbishop of Glasgow and colleagues as executors; and in the court of John Weddell, Forman's own Official Principal, he had obtained a decision which practically made a diocese of the priory lands and churches. Hepburn had always shown the utmost contempt for the powers of the Church. If Leo really understood the facts, that the prior claimed the city of St Andrews as his "parochia," and three royal burghs, with other towns and villages, and the churches annexed to the priory, as subject to him, he would hasten to strengthen the power of the archbishop. It was difficult for the primate to see why his rival should be so venomous: their early relations had been friendly and familiar (*nos consuevimus a teneris nostre etatis annis arridere tecumque*

¹ F., 183: the date is fixed by a reference to Weddell as Rector of the University.

jocari), and the successful claimant had done the other no injury since promotion.

The controversy between the archbishop and the prior showed itself in the affairs of the University. From the death of William Schevez, and during the administration of James and Alexander Stewart, Prior Hepburn had exercised an influence which would not prepare him for a return to subordination. The foundation of St Leonards College was effected from the resources of the priory, and the inducements held out to poor students might diminish the prestige of St Salvators and the Pedagogy. Moreover, an institution which was under the control of the cathedral chapter, and for which rules were laid down even on educational matters, furnished opportunity for controversy with the University and the Faculty of Arts. If Hepburn had become archbishop, and therefore chancellor, he would have been in a position to secure the interests of his college. As it was, students of St Leonards continued to be examined by boards on which they had no representative. In 1516 "acts" took place at St Leonards, and such men as Wynram, Duncanson, and Alan "determined" there; but when Gavin Logie appeared before the Faculty of Arts in the spring of 1519 to ask that regents of the college should be appointed "temptatores," the

petition was not granted, and the quarrels of the chancellor and the prior in all likelihood affected the decision.¹ The University itself on one occasion had to defend its rights against the archbishop. In 1520 the Faculty of Arts conceived itself to be injured by the direct appeal of some masters to Forman, when they should have proceeded through the regents, the Dean of Faculty, and the Rector.

By the year 1519 Hepburn and Forman were beginning to tire of their contention in the Roman courts, and, like most ecclesiastics who resorted thither with their quarrels, were led to dwell upon the advantages of compromise. Though Gavin Logie did not obtain his request, the students of St Leonards were now formally enrolled in the University register;² and the ecclesiastical situation was simplified by Hepburn's determination to relinquish his sweeping claim of exemption. An instrument of March 12, 1520,³ embodied the agreement which was now reached. Kirkliston was to be secured to the prior: he was to enjoy the fruits of his benefice, with personal exemption, provided always that annexed churches should be liable for "ordinary rights" due to the archbishop, and should be kept in proper repair. Forman

¹ Act. Fac. Art. : St Leonards was allowed a regent on the board in 1523.

² The College of St Leonard, 102.

³ F., 99.

granted "judices" nominated by Hepburn to deal with persons owing fruits to the priory, their "monitiones" being supported by letters of excommunication from the officials. Forman also consented to the exemption, *quoad personas tantum*, of twelve members of the prior's household, though the nomination to a vacancy had to be submitted to the archbishop, in order that he might veto the appointment of an enemy. Finally, all fruits levied between Alexander's death at Flodden and February 4, 1516, were remitted to Hepburn, and the parties agreed to a penalty for breach of the agreement, 10,000 ducats, of which half should be devoted to the fabric of the church of St Andrews.

A notarial instrument shows that letters of citation and inhibition emanating from the Apostolic See were delivered to John Hepburn ("assertus prior et decanus ecclesiæ Sancti-andree") on behalf of Forman;¹ while another document shows that a notary proceeded to the metropolitan church, but was unable to find Hepburn. The notary read the letters "in prono majoris missæ (vel exitu vesperorum)," cited Hepburn, affixed the letters to the "porte majores" of the church, and then substituting copies, allowed them to remain posted.²

In a later year, after Forman's death, Albany

¹ F., 81.

² Ibid., 82.

writing to Pope Hadrian, informed him that the archbishop, litigating against Hepburn in Leo's courts, had almost prevailed when he was prematurely cut off.¹ It is evident from the regent's letter that the two prelates had not reached a perfect agreement when death intervened to end their quarrels.

In the strife for places and authority Forman quoted a decree of the Fifth Lateran Council, and naturally laid stress on a rule which had been so recently laid down as May 1515, and which strengthened his own position.² In that Council, as has been noted, it was stated that grants of exemption confounded ecclesiastical discipline, and the pope expressed the desire, God helping, to support the jurisdiction of ordinaries. Leo's pious purpose was excellent, but, if carried out with excess of zeal, might interfere with the papal revenues. The ultimate appeal to the pope in legal disputes, it might be argued, was as natural as had been the appeal to Cæsar in the Roman empire; and the supreme pontiff desired to be regarded as the refuge of the oppressed and the protector of the innocent. Direct appeals, however, diminished the incomes of metropolitans and primates, who willingly received appellations of all kinds out of a regard to the profits of liti-

¹ E. R. S., i. 346.

² Mansi, xxxii. 909.

gation;¹ and such appeals, together with exemptions, could be represented, from the point of view of local government in the Church, as serious abuses. Henry II. of England, in his conflict with Becket, succeeded in reducing appeals to the Roman Court, anticipating the later *Præmunire*; and at the very period of the controversy between the Scottish prelates France was illustrating the reaction against papal imperialism. By a concordat with Leo, Francis I. stipulated that appeals from ordinaries must first be made through the immediate superiors, and should not pass to Rome before definitive judgment was given.² In Scotland itself, with the reign of James I., a steady campaign was begun against papal interference,³ and as a result churchmen were made to feel their dependence on the Crown. When St Andrews was raised to metropolitan dignity Pope Sixtus dwelt upon the advantages to Scotland and the Church in a new court of appeal and in the control to be exerted over ordinaries; but, as was shown in the exclusion of Spens from the jurisdiction of Graham, and of Blackader from that of Schevez, it did not suit the papal policy to maintain the unity of the Church as national.⁴ Forman,

¹ Van Espen, *Jus. Eccl.*, i. 3. 10.

² *Ibid.*, i. 45.

³ *Ibid.*

⁴ *Ibid.*, 55, 143.

in agreeing to the exemption of Hepburn, was violating no ecclesiastical custom; and on the other hand, in receding from his consent, he was able to urge the decree of the Lateran Council, which, however, was more likely to remain a plan of reform than to become a principle of action.

Forman was archbishop and *legatus natus*, and, as was set forth in a papal brief, had the power of a legate *a latere*.¹ Not being a cardinal, he was technically *legatus missus*, and must have had a mandate from the pope *vive vocis oraculo*. Before his arrival in Scotland he had received the authority which Henry VIII. desired to see revoked, and on the strength of it he required the bishops and clergy to meet him at Holyrood on his first landing in the country. There is, however, no record of their obedience.² Albany, after the admission of the archbishop, wrote to Leo, and his statements are worthy of notice.³ He asked the pope to confer a cardinalate on the archbishop, and to ratify, to the honour of the realm, the commission *a latere*, though in Scotland *momenti parum nisi gloriam afferat*. This blunt admission indicates at once that the legate's power could not any longer be likened to that of the proconsul. Just as in France

¹ F., 84.² Ibid., 95.³ E. R. S., i. 216.

and Spain Bulls had to be approved by the secular authority,¹ so in Scotland by 1487 the Crown asserted a similar privilege, which in 1493 was held to involve that a legate should be a cardinal, or at least a Scotsman.²

If the legatine authority or the rank of cardinal was regarded as expressing the dignity of the nation at the Court of Rome, rather than the claim of the Holy See to exert an imperial control over the affairs of the State, it is easy to understand why the secular power urged an appointment, and that of a native churchman.

As Archbishop of St Andrews, Forman very naturally did not agree to exemptions which diminished his power. When he held the bishopric of Moray, however, he had litigated against Alexander Stewart; and it was scarcely to be expected that James Hepburn, who secured the nomination for Moray, would fail to note a precedent so convincing. Apostolic letters were granted on May 14, 1516; but the controversy does not seem to have been prolonged. By an agreement of unknown date Hepburn renounced certain demands, and Forman consented to his exemption, with that of his clergy, chapter, people, and fifteen of his household, stipulating that an enemy of the arch-

¹ Van Espen, I. i. 21. 3.

² A. P., ii. 183, 232.

bishop should not be appointed to a domestic office. The exemption, whatever was its full extent, allowed Forman jurisdiction *ratione delicti, contractus, domicilii, et rei de qua agitur*.¹

Note is also to be made of the case of Alexander Gordon, who through the influence of Huntly obtained Aberdeen against Robert Forman. In 1518 the see was described as subject to Rome.² There is no record, however, of any appeal by the archbishop against the exemption. James Beaton in turn secured privileges for Glasgow to which Forman agreed, and his consent may have been one of the sacrifices on the occasion of his admission to St Andrews. The western archiepiscopate, the bishoprics of Whithorn and Lismore, and twelve of Beaton's household beyond those of his own diocese, were exempted from Forman's jurisdiction, even though he should attain to the coveted dignity of a cardinal.³ Dunkeld and Dunblane had been transferred as suffragan bishoprics from Glasgow to St Andrews. In a Bull of Alexander VI., of the year 1499, it is narrated that at the instance of James, administrator of the church of St Andrews, and with the consent of Robert, Archbishop of Glasgow, the church of Dunblane was restored to its

¹ F., 126.² Brady, i. 133.³ Glasg. R., ii. 531.

former subjection to St Andrews.¹ The circumstances of the junction of Dunkeld with St Andrews are unknown; but whatever these may have been, the union must have been made before May 25, 1515, as on that day Leo, addressing Forman, described the church of Dunkeld as his suffragan.²

The official relationship of Gavin Douglas to Forman presents many difficulties, owing to our inadequate records. The pope, as has been shown, inhibited Forman from the exercise of his powers *a latere*, and through Henry VIII. Douglas was appointed to deliver the papal brief, which, however, was seized and conveyed to the regent. Douglas did not have the satisfaction of serving the letter on his rival, and Albany committed him to prison for trafficking with Rome in the matter of the Dunkeld bishopric. The reconciliation of the regent with Angus in April 1516 seems to have led to his release;³ and it is recorded that in that same month Albany played dice with "my lord legate."⁴ There is no writing to show how the opposition to Forman's legatine authority was overcome, just as there is nothing to indicate

¹ Reg. Lat., 1065, f. 130. Cf. Scottish Hist. Rev., April 1908. Robertson, i. 128.

² Reg. Lat., 1325, f. 136. Cf. Scottish Hist. Rev.

³ H., ii. 1759.

⁴ T. A., v. 77, 78.

the ultimate fate of the brief that Douglas did not deliver.

After his release Douglas sought consecration as Bishop of Dunkeld. The papal letter of May 25 is evidence that Dunkeld was a suffragan of St Andrews, and in a commission afterwards granted to Douglas the archbishop used the words "nostro suffraganeo."¹ Yet Myln in his 'Lives' relates that Douglas was consecrated by Beaton at Glasgow, that he received "jocalica munera," and that he visited St Andrews in September and passed to Dunkeld. In direct opposition to the statement of Myln, who was Official of Dunkeld, is the narrative copied by Lauder, one of Forman's secretaries. From the *Formulare* we learn that Forman received from the elect of Dunkeld a brief of Leo X. containing the significant clause, intended for Douglas in reference to his consecration, "a quocumque malueris catholico antistite"; and that the archbishop, with the assistance of John of Brechin and James of Dunblane, consecrated him in the church of St Andrews. We are told, too, that Douglas made profession of allegiance to the Holy See, but not that he took the oath of obedience to Forman.² The obedience of the suffragan, though ultimately given, was to cause trouble between

¹ F., 130.

² Ibid., 139.

the two prelates; and yet for some reason, if the account in the *Formulare* is to be accepted, Forman consecrated without insisting on the oath as a condition. It is possible that, taking advantage of the pope's words, Douglas went to Forman as to a Catholic "antistes," and not to him as the archbishop; but the situation is more easily understood if we follow Myln's account, and conclude that the consecration was by Beaton, to whom the suffragan's oath could not be given.

Some time after the consecration Douglas was engaged in a litigation, and the occasion was the presentation to a living in the Dunkeld diocese by Forman, in virtue of his legatine authority.¹ A procurator, whose mandate was read by the official, appeared at a diocesan synod of Dunkeld and exhibited letters from Forman, who was in attendance at a Parliament in Edinburgh. These letters contained the papal mandate for the legatine authority, and were intended to show that the legate had acted legally in making the appointment against which Douglas was appealing.² There was still, however, the obedience of the suffragan to be settled, and it appears that, while Douglas appealed to Rome, Forman excommunicated him for declining to take the oath. At a certain stage letters of

¹ F., 85.

² Ibid., 84.

“aggravation” and a citation were prepared, and a priest with a notary travelled to Dunkeld to deliver them, but forty “diaboli membra Sathaneque satellites,” at the instigation of Douglas, refused access. The messengers, however, were not intimidated, and when at last the letters were presented, the bishop’s men, “at the prompting of the devil, the enemy of the human race,” destroyed them. From the cemetery at the church these messengers were ignominiously led to the bridge and threatened with a sousing in the Tay if they returned. They or other servants proceeded to Dunkeld at a later time, and cited the bishop’s men to hear sentence of excommunication for their evil treatment of the archbishop’s representatives.¹ In spite of the incident, Forman, as he was disinclined to proceed to extremes, extended the time for appearances; and, in a document connected with the case, stated that Douglas had not presented himself in terms of a brief, “nobis desuper directe et per eum personaliter nobis presentate.”² The archbishop’s patience was rewarded when the appeals regarding the legatine authority and the suffragan’s oath were withdrawn. An instrument of agreement was framed,³ and Douglas proceeded to Dunfermline. In the account of the ceremonial the bishop is

¹ F., 76.² Ibid., 53.³ Ibid. 85.

depicted "genibus flexis, manibus suis junctis, et inter manus metropolitani et primatis immissis et apposis"; and in presence of his ecclesiastical superior he took the oath in the words, "Ego juro quod fidelis et obediens ero tibi et successoribus tuis canonice intrantibus, sic me Deus adjuvet, et per hec sacrosancta Dei evangelia." ¹

After the ceremony in Dunfermline Forman and Douglas were on friendly terms, and the archbishop delegated to the bishop functions in the province which he himself could not overtake, empowering him to confer minor orders and the first tonsure upon persons having "litere dimissoriales," to administer confirmation, reconcile churches and cemeteries, and bless vestments, altars, and utensils.²

Forman having reduced Douglas to obedience, attempted to establish the authority of St Andrews by the annulment of the exemption enjoyed by Glasgow. It may be that political rivalry rather than ecclesiastical zeal moved him; but, whatever the motive, he wrote against the exemption to Henry VIII., who was evidently thought to have persuasive power over Leo. James V., on the other hand, or

¹ F., 86.

² Ibid., 130. In the *Formulare* (290) there is record of an appeal from Douglas as suffragan.

some one writing in his name, took up the cause of Beaton, and asked the English king, May 1519, not to do anything against the interests of the man who was his preceptor and was daily with him.¹ There is no record of any further proceedings, and no indication, therefore, that St Andrews triumphed over Glasgow.

Before his nomination to St Andrews, Forman acquired privileges in relation to certain Scottish benefices; but these were not allowed to pass unchallenged, even by the regent, who gave him the ward, relief, and non-entry of the lands of Sinclair of Roslin, and the marriage of the heir.² On June 26, 1517, Forman produced the Bulls of Kelso before the Council;³ while on August 17 Albany requested Leo to accept the recommendation of Thomas Car for the abbey, and sought the suspension of access of any commendator, especially the Bishop of Moray, then Archbishop of St Andrews.⁴ He further asked the pope not to await Forman's consent to the arrangement,⁵ and represented that Julius II. had granted the right of access without reasonable cause.⁶ In the case of Arbroath, also, Albany intervened. Forman, as has been shown, had withdrawn in favour

¹ H., iii. 269.² R. P. S., 2744.³ A. D. C.⁴ Theiner, 522, 527.⁵ H., ii. 3596.⁶ Theiner, 531.

of the Earl of Moray, who, after enjoying the fruits of the abbey for a short time, proposed to resign. The regent, August 25, 1517, nominated James Beaton, requesting Leo at the same time to annul all claims to regress on the part of any one who had not royal letters;¹ and, as is plain, he was opposing Forman, who, according to evidence adduced, had renounced a pension of 1000 ducats or £1000 Scots, also access and regress in the event of the death or resignation of the commendator.² The withdrawal of Forman's claim had been registered at Rome, and the pension was given to the Earl of Moray.³

The Acts of the Lords of Council tell of several cases instituted by Forman for recovery of debts due to him as Bishop of Moray, and in these he was represented by his chamberlain, William Winchester, who was sub-dean of Moray and a protonotary.⁴ An action connected with the lands of Dunfermline, of which he was commendator, was brought before the Council on June 20, 1517, and on July 1 he constituted procurators in all his actions; while on October 23 he renounced, through compulsion or grace, a process against John Beaton.⁵ More interesting than such financial notices is the protest,

¹ Theiner, 522.

² Ibid., 524.

³ Brady, i. 165.

⁴ A. D. C.

⁵ Ibid.

recorded on June 14 in name of the legate and all spiritual men, that they would not consent to bloodshed in the case of those who had "made convocations in Edinburgh upon the Chancellor."¹ It is also worthy of observation that the Acts show that on October 3 the archbishop was made a member of the Privy Council.²

The political situation in Scotland did not satisfy Henry VIII., who found that his plans for extending his power had come to nought. Albany was ruling and had France to support him. The English king, accordingly, did not possess the authority which he had hoped to exercise through Margaret. Alliances, too, were formed which thwarted his purposes. Angus and Home were reconciled to Albany; and Forman, the man he had strenuously opposed, was in St Andrews, and was recognised as archbishop and legate by the regent. He was not content, however, to let power slip from him without effort to hold it. Sometime in 1516 he wrote to the Scottish Estates demanding that they should send Albany back to France, and they answered, July 4, that they would support the regent to the death. It could not have pleased Henry that Forman was among those who signed the communication from the Estates.³

¹ A. D. C.² Ibid.³ Rymer, xiii. 550.

Undaunted by his defeat, he pursued his intrigues, and resorted to the use or abuse of money. Home was unable to resist the power of gold; but his treachery was detected, and he and his brother were charged with treason and put to death. According to Buchanan, Home perished on account of the calumnies of John Hepburn, who never forgave him for assisting Forman to obtain the archbishopric. The execution of the Homes, and their subservience to Henry which led to it, showed how far the country was from settled government, and yet, in spite of the disquietude, Albany proposed and was eager to return for a time to France. The negotiations for his departure were attended by many difficulties, but at last, in May or June 1517, he left Scotland.¹ Before going, he promised in presence of the Council to return as soon as possible and to abide in Scotland. The Lords consented to his departure, as he was going on public as well as private business, thanked him for his services, gave him twelve parchments sealed with the Great Seal, and advised him not to pass through England.²

It was necessary that vice-regents should be appointed for the government of the country,

¹ May, according to entry in T. A., v. 125; June, according to statement of Magnus, H., ii. 3365. Cf. Dunbar's poem.

² A. D. C.

and choice was made of the Archbishops of St Andrews and Glasgow, the Earls of Angus, Huntly, Arran, Argyll, and with these the *Sieur de la Bastie*.¹ Frenchman though he was, *De la Bastie* had been nominated Warden of the Marches in place of Lord Home; and it may be that his nationality led to his appointment by Albany, who would not trust a Scotsman to preserve the peace on the Border. The selection, however it was made, was to have fatal consequences for the warden, and was to lead to strained relations between France and Scotland, though by the treaty of Rouen the alliance binding the two countries had been renewed. *De la Bastie* was murdered, and only for a short time had enjoyed his honours. His enemies were friends of the executed Homes, who sought revenge and found it in the death of the man who occupied one of the earl's places. It fell to Forman, signing as Archbishop of St Andrews and legate of Scotland, and to Beaton as chancellor, both being vice-regents, to make explanations to Francis regarding the death of his subject. Describing *De la Bastie* as French ambassador and lieutenant of their own king, they expressed their grief for his death, showed the steps taken to punish his murderers,—who had, however, fled to England,—and requested Francis

¹ A. P., ii, 394.

to ask Henry VIII. to command his wardens to deliver rebels and fugitives.¹ De la Bastie's letters, it may be noted, were taken to Forman at St Andrews.²

Albany, though he had declared that his absence would not extend beyond six months, did not return to Scotland for four and a half years ; and in France, even as in Scotland, he excited suspicions in the English king. Notable among his transactions was the formal offering, in June 1520, of the long-delayed obedience of James V. to Leo X.³

On May 1, 1517, an announcement in name of James V. was made to Leo that Albany had authority to offer obedience ;⁴ and from Rouen, on August 25, the regent sent James Cottis, Canon of Glasgow, to deliver a letter to the pope touching the privileges of the Scottish kings.⁵ The fact that the obedience was not given till 1520 suggests that Albany desired to make terms which would preserve the prerogative of the young sovereign whom he represented.

Innocent VIII. had granted to the Crown a right of nomination in the case of prelacies exceeding two hundred ducats, and had promised to await letters for eight months after vacancy. Albany, in the letter to Leo, pointed out that this

¹ H., ii. 4048.

² T. A., v. 127.

³ Raynaldus, 1520, 90.

⁴ Theiner, 520.

⁵ Ibid., 522.

indult, observed by Alexander VI. and extended by Julius II. to vacancies caused by the death of Scottish prelates in Rome itself, was vital for the unity of the kingdom in the infancy of James. Churchmen were leaders of the deliberations in Council; they exercised an initiative which required that they should be loyal subjects and men of business; and when they owed their promotion to the favour of the Crown, they would be more faithful in its service. Leo had issued his commands for the see of St Andrews and for certain monasteries in defiance of the royal privilege. Feeling in Scotland was outraged; but Forman had been admitted on the expectation raised by papal letters promising that the privilege would be rigorously observed in future. The Governor was now determined to resist claims to the priory of Whithorn and the abbey of Arbroath, which were being prosecuted by Roman ecclesiastics, and to vindicate Scottish nationality. He was responsible for the young king, and the Parliament had repeatedly directed him to thwart the "impetrators." Leo was therefore asked to observe former indults and the right of advowson *sede vacante*.¹ In addition Albany gave a full list of transactions which were henceforth to be recognised only when they had received the royal licence, and hinted that de-

¹ Cf. H., ii. 4642, and E. R. S., i. 297, for infringements.

finite assurances, followed by a Bull of privilege, would be the price payable for an embassy to offer obedience at the Court of Rome.¹

The controversy over the admission of Andrew Forman raised in an acute form the whole question of papal claims, and Leo X., as has been shown, reigned for more than seven years before he was formally acknowledged by Scotland as the true Vicar of Christ. The provision of Cibo aroused a dangerous temper in those who were still smarting from the open wounds of Flodden, and the exchange of Bourges was too evidently the device of nepotism. It became clear in this case, and in others, that the misfortune of the kingdom was to be made an opportunity by the papacy for the recovery of lost ground. The course of the conflict which ended in 1520 adds significance to the career of the Archbishop of St Andrews, and explains a crisis in the history of Scotland which is little understood.

During the fifteenth century the kings had been fighting for privileges which, if they were profitable, were also necessary for the consolidation of the royal authority, and it became expedient for the papacy to effect a compromise by which the Apostolic See, out of the plenitude of

¹ Theiner, 523-4: Albany specified "*regressus, accessus, coadjutorias, reservationes, cessiones, pensiones commendasque et retentiones in prelatiis et laici patronatus beneficiis, et reliqua id genus promotionum.*"

its power, might seem to grant an indult for nomination to prelacies, while it reserved the dignified office of promotion and confirmation. Innocent VIII. promised to await "letters and humble supplications," and the Crown was thus left with a handsome casualty in the temporalities till the vacancy was filled and the Bulls were presented; but he did not promise more than consideration for these letters, and practically stated that compliance would be in proportion to fidelity and devotion.¹ This indult, renewed by successive popes, had come to be regarded as a recognised right, and the policy now adopted by Leo X. inevitably aroused indignation, diminishing rather than enhancing the prestige of the Holy See.

The traffic in benefices had lately entered upon a new phase, which seriously threatened the royal power. The canonist Van Espen tells us that the device of resignation *in favorem* came into prevalent use at the beginning of the sixteenth century.² Every important vacancy might reveal a Roman claimant and initiate interminable litigation, or disclose the fact that business had been done between two Scottish ecclesiastics, and that, by the good pleasure of the Holy See, there was, as regarded the interest of the Crown, no vacancy at all.

¹ I. 157.

² Jus. Eccl., ii. 27. 1; Appendix, VIII.

Albany came to Scotland fully aware of these dangers, for the right of nomination had been a subject of controversy between France and the papacy. According to the agreement which was reached in 1516, Francis had the sole right of naming an ecclesiastic of specified age and academic standing, even when the vacancy occurred through resignation in the hands of the pope, and the Apostolic See, if the conditions were fulfilled, was under obligation to provide.¹ Albany was also alive to the profits which might accrue to himself. The Scottish kings had become accustomed to enjoy the temporalities during the vacancy of a see, and doubtless derived welcome returns from the advowson: they promoted favourites and may have levied a tax for favour, though our records do not prove that active service, past and prospective, was not the sufficient recompense for patronage. A man in the Governor's position was tempted to consider what might be gained by sale. There is no reason to doubt that the charge of venality levelled by Gavin Douglas in 1521 had its measure of truth; and Dacre was able to set down the duke's profits in precise figures.²

After the Council had issued the order which detained Forman so long at Pittenweem, the most weighty business discussed related to the Pre-

¹ Jus. Eccl., i. 13. 11.

² H., iii. 1897-8.

ceptory of Torphichen, in which Alexander Stewart, Albany's brother, had an interest. The importance of the case appeared in the fact that the orators of Leo and Francis were present at the sederunt.¹ George Dundas had obtained a right by a resignation of William Knollys in the hands of the Lieutenant of Rhodes.² The pope, though disinclined to offend the Knights of St John, whom he had been encouraging to defend Rhodes against the Turk,³ also desired to vindicate his prestige, while Albany had fraternal feelings and the Crown privilege to consider. Patrick Panter, another claimant, could scarcely expect support, and in a few weeks he was languishing in the New Tower, off Queensferry, because he had joined Lord Home.⁴ The controversy still raged in 1517, when a letter was written to the pope, informing him that the unlicensed transaction by which Dundas had obtained his right was intolerable alike to the Governor and to the nation.⁵

A vacancy in Glenluce revealed new dangers. The Cardinal of St Mark's, the protector of Scotland at the Court of Rome, secured letters from Leo on the ground of a right of regress granted by Julius, and demanded *litere regie conformes*. Such dealings serve to explain the unanimous

¹ A. D. C.² H., ii. 87.³ Ibid., 89; Raynaldus, 1513, 18.⁴ H., ii. 788.⁵ E. R. S., i. 228.

cordiality with which Albany and the Council recommended Forman for the cardinalate after his hard-won admission. When the archbishop asserted that he had taken Scottish benefices to prevent them from falling into the hands of Italians, he was making no inconsiderate appeal to national feeling, and he indicated an obvious advantage to be gained by the presence of a Scotsman in the consistory.

For Glenluce there were two candidates—David Hamilton, Bishop of Argyll, half-brother of the Earl of Arran, nominated by the Crown; and Alexander Cunningham, one of the monks, elected by the convent and confirmed by the Abbot-General of the Cistercians. Cunningham was acquitted by Archbishop Forman at Holyrood on a charge of posting various libels defamatory of Hamilton, and we know also that the Cardinal of St Mark's gave the monk credentials as his administrator. Hamilton afterwards secured Dryburgh, and he was absolved by Forman from irregularity contracted through ignoring interdict and censures.¹ He had by this time given caution to the cardinal, or other legitimate possessor, for the repayment of fruits levied. It is clear, however, that Albany and the Council, while willing to give their protector a pension out of Glenluce, declined to go further, and the sub-

¹ Appendix, IX.

sequent course of the controversy with Rome explains the fact that the abbey ultimately fell to the Governor's secretary, Walter Malyne.¹

The letter written by Albany from Rouen contained the complaint that the priory of Whithorn, destined for Alexander Stewart, was claimed by the pope's datary; and in addition that the Cardinal of St Eusebius asserted a right to Arbroath against the young Earl of Moray, on the ground of a bargain with Forman, when that business-like ecclesiastic acquired it.

The representations regarding Arbroath prevailed, and the Governor's nominations were accepted also for Caithness and Kelso.² In January 1518 Leo wrote a flattering letter, in which he was careful, however, not to commit himself.³ His nephew, the Duke of Urbino, had lately married Madeleine de la Tour, Albany's sister-in-law; and Francis had appealed to Leo for a confirmation of Scottish privileges. In March the French king was informed that the pope would gladly "look into" the matter, and would accede to the request if Albany offered obedience.⁴ Taking a cynical view of the duke's motives, Leo provided Alexander Stewart for Scone in November, and though he hoped to clear the way for his datary, now

¹ Cf. E. R. S., i. 197, 239; F., 92-3; Brady, i. 173; H., iii. index.

² Cf. Brady.

³ H., ii. 3889.

⁴ Ibid., 3996.

Cardinal of Crotona, wisely detained the Bulls. Albany, in reply, proposed to continue the nomination of his brother for Whithorn, till the letters for Scone were delivered; and the moment that the provision for Scone was known in Scotland, Gavin Dunbar, preceptor of James V., was named for Whithorn, in pursuance of a plan concocted with the Governor, or forced upon him by the Council.

Though Albany stated in the course of the negotiations that the Parliament absolutely forbade any pension out of Whithorn for the cardinal, Francis urged the settlement which the duke himself desired in order to secure the Bulls of Scone. Dunbar was personally willing to grant a pension of 250 ducats, with the right of regress, and, whatever was the attitude of the temporal lords, Archbishop Forman was a party to this accommodation.¹

In 1520 the Bulls of Scone were released, and in June of that year Albany appeared to offer obedience, with the result that Leo took the Governor and the kingdom under his protection.² Writs of later date in the *Formulare* show that the pope confirmed the privilege granted by Innocent VIII. Having regard to the devotion and loyalty which James and his

¹ See H. and E. R. S., *passim*.

² Raynaldus, 1520, 90; Bull in Register House.

progenitors displayed, and in the hope that he would not cease therefrom under the guidance of his tutor, Leo granted Bulls to the effect that where churches of the value specified by Innocent, vacant *per cessionem seu resignationem apud sedem aut alias quovismodo*, had been assigned within eight months without letters from Scotland, such provisions should be null, and should be judged invalid *per quoscunque iudices etiam cardinales*.¹

The struggle had been long, and the issue was not decisive, as Albany had been forced to compromise the Whithorn case. Yet the surprise attack which opened with the provision of Cibo had achieved little more than the advancement of Andrew Forman. Scotsmen had been taught to look with less respect upon the forces of Rome.

The high ecclesiastical rank of Forman, archbishop and legate, gave him a place of importance among the vice-regents whom Albany nominated; though there is only one record of the delivery of letters from Albany to him at St Andrews.² No man in the country had his political experience, and for the ordinary official duties of the vice-regents his services would be constantly required. It certainly does not appear that he neglected ecclesiastical business,

¹ F., 45.² T. A., v. 127.

but he found himself compelled to appoint vicars-general.¹ The document dealing with these men sets forth their work in detail, and reveals, though indirectly, the extent of an archbishop's labours.² It is also recorded, though no date is specified, that he appointed procurators in the Roman Court to obtain the promotion of John A, "ordinis predicatorum et sacre theologie professor," to episcopal rank, and the position of coadjutor to himself. The reservation of £100 Scots was to be made for the coadjutor from the fruits of St Andrews, and was to be paid at the two usual terms by the archbishop or his successors.³ The Dominican not improbably was John Adamson, the Provincial of the Order in Scotland, whom, with his Order, James IV. had taken under special protection.⁴ The same person, in a writing by Gavin Douglas in name of Margaret, was styled "a man of great knowledge, good fame, and conscience."⁵ There was no insuperable objection to the appointment of a coadjutor. Sixtus IV., on the ground that he had erected St Andrews into a metropolitan see, and that the expenses of the archbishop and his successors would be increased, especially in the maintenance of a bishop to assist in the execution of their functions, proceeded to annex

¹ F., 17.² Appendix, X.³ F., 17.⁴ R. P. S., 2266.⁵ A. D. C., Nov. 14, 1514.

certain benefices as mensal possessions of St Andrews. James IV., on behalf of Alexander Stewart, had negotiated for the appointment of a coadjutor; and David Beaton was in the course of time to serve as such to James Beaton. There is no indication, however, that Forman ever had Adamson or another as a coadjutor; and proceedings may have ceased on account of the death of the archbishop, or the selection of vicars-general may have been preferred.

Few notices of the work of the vice-regents have come to us. On February 22, 1518, the Lords of the Council decreed that the commission of regency should be entered on their Acts, and a transumpt handed to each vice-regent. Forman asked an instrument that the Lords had given this order.¹ The ambitious schemes of Angus to be the ruler of Scotland—schemes which Henry VIII. for his own ends approved—forced the vice-regents to action. The Lords, December 6, 1518, required him to appear before them, and to hand over Newark Castle to the keeping of the vice-regents. Angus, as the Acts of the Council show,—February 15, 1519,—yielded Newark.² It is also recorded that James, with the consent of the vice-regents, intimated to Dacre, November 16, 1520, that he was unable to commission

¹ A. D. C.

² Ibid.

representatives to treat for a long peace with England; and that on November 24, again with their consent, he appointed ambassadors to arrange a continuation of the truce.¹ In another sphere the vice-regents acted for the king and illustrated a royal privilege. On July 2, 1518, during the vacancy of the see, they bestowed the temporality of Aberdeen on Gavin Dunbar, Archdeacon of St Andrews.²

Throughout the period of the vice-regents, attempts were made by Albany's friends to secure his return, but Henry VIII., as his correspondence shows, had no wish to see him restored to Scotland. Troubles arose which were not wholly unconnected with Henry's intrigues, and yet Albany lingered year after year in France, detained perhaps by Francis in his desire to satisfy England. Angus and Arran each laboured for command in the nation, and each had his party. "In the town of Edinburgh," Lesley says, "remanit the Erllis of Angus, Erroll, Crawford, the Lord Glames, and utheris, and the bishopsis of St Androis, Aberdene, Orknay, Dumblene, with utheris abbotis and prelettis; and in the town of Glasgw the bishop of Glasgw, Chauncellar, the Erllis of Arran, Lennox, Cassillis, Lords Rois, Sempill, abbot of Paislay, bishop of Gallowaye, and utheris of the west; and nother of thay twa parties would con-

¹ Rymer, xiii. 727, 8.

² R. P. S., 3018.

cur with uther for the commoun weill of the realme." Forman and Beaton were in opposite factions, as Lesley's narrative shows, and further evidence of their strife is afforded by a letter addressed from Paris, March 5, 1519, to Wolsey. The Bishop of Ross, the cardinal was told, was in Paris, and reported that the Scottish Parliament was to meet in Lent, and that there was likely to be much strife among the Lords, as they had no head or governor. The bishop also spoke much evil against Forman, and showed a letter in which the Archbishop of Glasgow declared the Archbishop of St Andrews a mischievous person.¹ The Acts of Council, March 4, 1519, indicate that a Parliament had been proclaimed, at which the affairs of Angus were to be discussed; and it is also recorded that he had appeared before the Lords, February 26, and had desired Forman, in virtue of his legatine authority, to require Margaret to adhere to her husband, or show reasonable cause why she should not do so. Margaret had threatened to seek a divorce, and her husband had accordingly turned to the legate. The appeal was not fruitless, and a reconciliation was made which, however, was soon to be broken. It suited Forman, but it did not please Beaton, to see the husband and wife united. The Archbishop of Glasgow

¹ H., iii. 111.

was, of course, not annoyed by the fact that an irascible lady was willing to depart from her anger; but as the partisan of Arran he feared a new political association of the sister of Henry VIII. with Angus. Margaret, however, refused Beaton's counsels, and resolved to join her husband in Edinburgh. Angus met her on the way, and with his company of four hundred horsemen conveyed her to the city. Near the castle she was received by Forman and certain prelates and lords "with great triumph, in shooting of guns, and great melody of instruments playing."¹

The strife of the parties continued; and the awkwardness of the political situation was seen when French ambassadors arrived who were commissioned to treat of peace. With whom were they to deal? Dacre described to Wolsey² how the Frenchmen were conveyed to Edinburgh by Angus and the Provost, and reported that in the city were the Bishops of St Andrews, Dunkeld, Aberdeen, and Orkney; the Earls of Errol, Crawford, and Morton; the Abbot of Holyrood and the Prior of St Andrews. Dacre proceeded to say that in connection with the provostship of Edinburgh there was a feud between these lords, and the Chancellor, Arran, and Lennox. "The said earl of Arran, lieutenant," he wrote, "was proveesse, that it is to say, as mayor; and now

¹ H., iii. 452.

² Ibid., 1091.

the town has chosen Archibald of Douglas to be provesse, uncle to the earl of Angus ; and when the said lieutenant would have comen into the town they stopped him, and a great saute was made betwixt them, and divers hurt of both sides." In consequence of the feuds, Dacre explained, the French ambassadors could get no audience of the Lords as a Council.

In the matter of the provostship Forman showed the Council, November 26, 1519, how, at the request of the Lords, he with the Bishops of Aberdeen and Orkney, and certain others, had gone to Edinburgh for the purpose of deposing Archibald Douglas, and how Douglas declined to yield. Gavin Douglas also appeared, and declaring that his brother had a just action to the provostship, intimated that he would help him.¹ Whatever were the circumstances which induced Forman to act on behalf of the Lords, he could not have desired to see a Douglas displaced by Arran, who in the national politics was associated with Beaton. The records of the Council show very clearly the side taken by the legate, and it certainly was not the side of Beaton and Arran. At Beaton's instigation the Council was summoned to meet at Stirling, December 15, for

¹ A. D. C. Forman was appointed with others to hear a case between Arran, Lieutenant of Merse and Lothian, and certain persons belonging to Edinburgh (*ibid.*, Oct. 27, 1519).

the reception of a messenger from France, and Beaton learned from the Treasurer that Forman, Gavin Douglas, the Bishop of Aberdeen, and Angus had intimated that as they would not attend they did not require formal notice.

Margaret soon grew weary of political and domestic attachment to her husband, and she had passed to the faction of Arran and Beaton when "Mons. Dowbeney" arrived with instructions from Albany regarding a peace with England. The Frenchman, it appears from a letter dated January 8, 1521, proceeded to Edinburgh in company with the Archbishop of St Andrews and other lords, to whom he showed his charge. He found that "the other party," with whom was Margaret, were "twenty miles thence," and his mission required him to see them.¹ He had thus opportunity to witness the division of the men to whom the government of the nation was entrusted, and to note the signs of the broken peace, which even the pope himself had been unable to mend. Leo, moved doubtless by the regent, had just issued a Bull, dated June 19, 1520, in which he intimated that he had heard of attempts to acquire power which legally belonged to Albany, and that to avoid injury to them he took James and the kingdom under his protection. He announced that he ratified the

¹ H., iii. 1126.

authority of Albany, who had given the obedience of Scotland, and inhibited any one acting without the regent's licence. Further, he appointed the Archbishops of St Andrews, Glasgow, and Sens, with the Bishops of Aberdeen and Clermont, to publish the Bull and defend Albany.¹

Apart from the public Records and the *Formulare* with its store of historical materials there is almost no writing to tell of Forman as an ecclesiastic in the last years of his life. Fortune, however, has not dealt more hardly with him than with many of the leading Scottish churchmen; and the fact that no chronicler has narrated the events of the reign of the man who was Archbishop of St Andrews is no indication that his rule was weak. There is only the natural regret that St Andrews had not, like Dunkeld and Aberdeen, a biographer of clerics.

From an entry in the Register of the Privy Seal² it appears that about 1516 the Abbot of Citeaux commissioned the Abbot of Melrose or Thomas Fasyntoun, monk of Citeaux, to visit the houses of the Order in Scotland. Fasyntoun was to be accompanied by some abbot or monk. The Abbot of Melrose excused himself from visitation, except in the cases of Newbattle and Balmerino, and James V., with consent of Albany, gave his recognition to Fasyntoun.³

¹ Papal Bulls (Reg. House).

² 2833.

³ Appendix, XI.

Forman, however, had something to say regarding the subject.¹ Learning that the nunneries of Haddington, North Berwick, Eccles, Coldstream, Bothans, Manuel, and Elcho, with certain monasteries, had been visited by Fasyntoun, and that it was proposed to levy contributions and taxes, in spite of the fact that the Archbishop of St Andrews and his predecessors had exercised the right of visitation, Forman ordered the monk to be cited at Newbattle, his headquarters, to appear before him or his delegates at Dunfermline. The Cistercian houses in the diocese of St Andrews were in the meantime warned not to receive the visitor, who was inhibited from further action.

In the ordinary discharge of the business of the diocese the church of Crail received attention. A petition referring to its erection into a collegiate church was addressed to the archbishop, June 1517, and in the narrative he was described as having the powers of a *legate a latere*.² The petitioner, the Prioress of Haddington, who was one of the Hepburns, sought a confirmation of statutes granted by John Hepburn as vicar-general; and she did not ask in vain.³ Arbroath also made demands. On January 19, 1518, the sub-prior and convent appointed a procurator to exhibit letters of privilege issued

¹ F., 48.² Crail R., 55.³ Ibid., 70.

by Pius II., and to ask the archbishop to proceed to execution.¹ The request was granted, and James Beaton, the commendator, commissioned procurators to intimate to the bishops the letters of Pius, together with the executorial letters of Forman relating to the abbey churches in the various dioceses.² The Acts of the Council show that the Lords advised Forman and Arran to admit Beaton to the temporality of Arbroath, and on March 17, 1518, he was admitted.³ In presence of the Lords, February 22, 1518, Forman entered a protest that howbeit he did not confirm the chapter election at Scone, his action should not prejudice the privilege of the see in future; and on February 26 of the following year he made another protest that what was done between the king and Alexander "Galway," in reference to the parsonage of Kinkell, should not prejudice his own gift of the same.⁴ At the next meeting of the Lords, February 28, Alexander Galloway asked Forman and other spiritual lords to defend the privileges of the Kirk and of him as a churchman, according to their professions made to the pope at their consecration. The case was one of imprecation; and we find that Wishart called for an instrument, that Galloway produced "the bull of

¹ Arbroath R. N., 424.

² R. P. S., 2975.

³ Ibid. Appendix, XII.

⁴ A. D. C.

the impetration," and that it was read. There were also produced a presentation and a collation in favour of David Beaton for Kinkell, dated July 19, 1518, at which time the see of Aberdeen was vacant.¹

In the course of his administration Forman was involved in an interesting case relating to Restenot. A certain Alexander claimed the priory against the Archdeacon of Moray, Thomas Nudre, and had already obtained a sentence at Rome with expenses; but as the latter had appealed, and time and money were being wasted by the slow procedure of the law, the archbishop was called in to arbitrate by voluntary compromise of the parties. The hitherto successful litigant was to enjoy his title, but he and his successors were burdened with a pension of £40 Scots to Nudre, while the latter promised to exact only £20 so long as Alexander held the benefice. This arrangement was accepted subject to the approval of the Apostolic See, and the award seems to have been registered at Rome. But Prior Alexander was not a man of conspicuous honesty. He drafted an instrument which by no means corresponded with Forman's award, and conveyed it from Rome to a village called Insula, some eight miles distant. There he assured a notary of St Andrews diocese that

¹ A. D. C. Appendix, XIII.

Nudre was satisfied with the terms of the document, and procured subscription by the notary. The fraud was disclosed, however, on the arrival of Nudre, and the notary hastened to revoke the instrument which he had signed.¹

In the exercise of his legatine power Forman, from time to time, granted marriage dispensations.² The Book of the Official of St Andrews, under date July 12, 1518, records that William Winchester, protonotary, commissary by apostolic authority specially deputed by Forman, granted a dispensation at Forres, and used Forman's arms, but *parted per pale*.³

It is interesting to note in connection with the customs of the times that Forman attended at Raith, January 2, 1520, where a bond of manrent was entered into by Robert Orrock and Sir John Melville of Raith against all but the king, Governor, "my lord of St Andrews now present," and the convent of Dunfermline.⁴

The meagre notices of Forman by our historians throw no light upon the condition of the Church in Scotland, or even on the diocese of St Andrews. In the *Formulare*, however, there is a narrative which reveals the lawless condition of that diocese, if it does not illustrate the general character of the Church throughout the land.

¹ F., 37, 38.

² Oct. 28, 31. Cal. Chart., 885.

³ Appendix, XIV.

⁴ Fraser's 'Melvilles,' iii. 61.

The same narrative shows that Forman, when he came to the archbishopric, did not forget Master John Sauchy, his secretary.¹ The Chancellor of Ross resigned his benefice into the hands of the archbishop, who in virtue of his legatine authority bestowed it on his faithful servant. A settlement, however, was not easily secured. Robert Cockburn, the Bishop of Ross, was frequently abroad on diplomatic business; and during one of his absences the vicars-general ventured to resist Forman's authority. They granted letters to a Master A. K., and warned persons connected with the churches attached to the benefice not to pay fruits to Sauchy, on pain of ecclesiastical censures even to interdict. Forman took up the matter with vigour. He addressed a writ to the protonotaries of the Apostolic See and to the clergy of Scotland. Mandate was given to warn the vicars-general that they should rescind their letters within six days, and grant *litere conformes* to Sauchy under penalty of the greater excommunication. These vicars-general, headed by the Dean of Ross, with the intruded ecclesiastic, were to be cited before Forman or his *auditor generalis causarum apostolicarum legationis*, in the aisle of St John the Evangelist in the church of St

¹ Sauchy is described as protonotary and Canon of Moray in a deed of collation dated May 8, 1517 (Cal. Chart., 846).

Andrews, to answer for themselves, receive canonical punishment, and hear charges brought against them by the archbishop's procurator-fiscal, the penalty for non-compearance being the greater excommunication. Under the same threat persons concerned with the churches of the Chancellery were to be directed to deliver fruits to Sauchy. Finally, mandate was given to absolve such persons from any censures passed upon them by ordinary authority.

This writ was given under the legate's seal at Edinburgh; but Ross was far away and local feeling was strong. Copies of the document were affixed to the doors of the cathedral church of Ross, and certain "sons of iniquity" pulled them to pieces. We know no more of the controversy than that Forman placed the offenders under sentence of excommunication and anathema, declaring them to be cut off from the Church and ordering the clergy to denounce them.¹

The case of Kelso also serves to illustrate the lawless times. Andrew Stewart, Bishop of Caithness, was commendator; but in the troubles after Flodden he thought it safer to be at a distance from the Border, and had actually carried off, probably to Skibo, some of the valuables belonging to the abbey. Thomas Ker, a person of local influence, was chosen by the

¹ F., 19-21.

convent, and was urged by Queen Margaret and the Council to undertake the charge of the house. The inducement held out to him was the permanent possession when Stewart was transferred, as it was expected he would be, to Aberdeen on Elphinstone's promotion to St Andrews. Ker duly made his profession; and proceeded to act as abbot, without protest from the Bishop of Caithness. When, however, the Borders were more quiet, and he was not advanced to Aberdeen, Stewart entered into litigation. He did not dare to approach Kelso, but obtained from the archbishop a licence to hold his courts at places near the town. Forman himself, who had procured from Julius II. a right of access to the abbey when it should become vacant, was willing to help Stewart in expectation of a pension. The bishop died, however, before the quarrel could be settled, and Albany asked Leo to confirm Thomas Ker, whose provision was made on December 2, 1517.¹ Before that date, on June 26, Forman had produced the Bulls for Kelso in presence of the Lords of Council, and had asked an instrument; but his claim was ignored on the ground that he had obtained the right of access without the consent of the king.²

¹ Theiner, 522, 530; F. 51; Brady, i. 168.

² A. D. C.

Thanks to the diligence of the compiler of the *Formulare*, we have the record of constitutions framed at a diocesan synod, and a mass of papers which serve to illustrate episcopal procedure. The documents show very clearly that the archbishop was no idler elevated to a great position with duties he had neither will nor capacity to perform, but, on the contrary, was a vigorous master determined to set his house in order. Early in the period of his rule in St Andrews the constitutions were published; and he had the grim satisfaction of appearing as the reformer of a diocese in which there were few to welcome his ministry. It is certain that soon after his promotion his legislative work was begun, as in a monition regarding the residence of clergy, of date unknown, he stated that copies of the constitutions had been fixed to the churches of St Andrews and Holyrood, and that synods had been held in these churches which he himself had attended. The synods must have assembled in the years 1516 and 1517, as in January 1518 he appointed, on the ground of preoccupation, sub-delegates to represent him at another synod.¹ It may be taken, therefore, and the fact is not insignificant, that immedi-

¹ F., 218.

ately after his translation to St Andrews he framed constitutions for the good order and decency of the diocese which he ruled.

The first document in the *Formulare* relating to non-residents makes no reference to synodal statutes, and may therefore be taken as the record of the earliest attempt on Forman's part to remedy the abuses which must have arisen from the administration of James and Alexander Stewart, and in the confusion after Flodden. The charge against the non-residents is that they have not obtained the archbishop's consent, and they are warned that if they continue in disobedience they will be suspended after thirty days, and resort will then be had to excommunication, and finally to deprivation.¹

From Schevez to Forman there was no active prelate in St Andrews, and it is evident from the constitutions that in the diocese, and perhaps in the whole country, discipline was lax, to the harm of manners and morals. These constitutions were to be published at the annual synods, at which the clergy of the different ranks were required to appear. They were to abstain, while assembled, from indecent words and unseemly gestures, to be quiet during divine worship, and to prostrate themselves on the

¹ F., 13.

ground when prayers were being said. They were charged at the same time not to depart, under pain of excommunication, till they had paid the procuration fees and synodal dues. Archbishop Schevez had shown the same zeal for the collection of fees and dues, and it may be taken, therefore, that the Scottish cleric was apt to be forgetful in the small things of finance. It is interesting to find that Forman, who as Bishop of Moray had often for State reasons to delegate the business of the see, was careful as Archbishop of St Andrews to enjoin rectors, vicars, and chaplains to reside in their benefices and chaplainries, unless they were pursuing the study of the virtues or attending lectures on literature at the University of St Andrews. A serious condition of morals is revealed in the statute, which sets forth that concubines or other women were not to reside with clerics, so that there might be no suspicion or scandal; and it was enacted that those who after three corrections repeated the offence, or persisted in their hateful misconduct, were to be suspended. The women themselves were not to be purified after childbirth, unless they undertook to depart from evil. In terms of another constitution orders were given to repair or rebuild manses and ecclesiastical structures, and to furnish the

necessary ornaments of the altar. In connection with marriage, the archbishop declared, certain evil customs had increased by the instigation of the enemy of the human race, and were deserving of condemnation. The clergy were accordingly enjoined to warn their parishioners, four times every year, not to contract clandestine marriages, but to have their unions solemnised before the Church. The clergy failing to obey would be fined in the sum of four shillings, and persons marrying irregularly in the sum of ten shillings. The money thus obtained was to be assigned for the fabric of the church of St Andrews. The dress of the clergy was the subject of one of the constitutions, which showed that which was not and that which was to be put on. The statement was made that a cleric who does not wear the dress proper to his order is unworthy of the honour due to his rank; and provosts, deans, rectors, and vicars clothing themselves in garments folded at the back like organs, and showing interlaced openings in front, with wide sleeves, and having long hair and great beards, and using birettas with cords after the manner of secular persons, were instructed to depart from such fashions. They were to obtain gowns, neither too long nor too short, and garments which would befit their rank, while their birettas were to be

round and their hair was to be short. It was further enacted that clerics should not have leather or iron corslets, and should not carry arms, unless there was just cause for fear. The church of St Andrews was again to profit by the fines.

It is not without significance, in reference to the relation of the temporal and spiritual powers, that if clerics were fined by the episcopal officers, they were forbidden to seek help from any secular person; and if they transgressed, they would be suspended. Matters affecting laymen were not ignored. The archbishop heard with grief and bitterness of spirit that many lords and other temporal persons, and even churchmen, were interfering with the jurisdiction of the ecclesiastical courts, and he enacted that such persons were to be excommunicated and to be shunned by the faithful. Excommunication was also to be passed on those who fought within the sanctuary of God, and by the shedding of blood polluted churches and cemeteries; and the same judgment was to fall upon those who seized or destroyed letters from the ordinary and prevented their execution. Clerics were not to ask or demand money for putting into execution the letters of his most reverend paternity. Due honour was to be paid by the people to the Eucharist when it was being carried to the

sick ; and the clerics who bore it were commanded to dress themselves in clean surplices and the stole, and to have with them a lighted candle or lamp, and an attendant ringing a bell. Children were not forgotten in the constitutions. The most reverend the lord archbishop enjoined parents and nurses of infants not to allow them, if under two years of age, to be placed in the beds of adults, but to bind them separately in cradles ; and this was to be done in order that the overlaying of infants and innocents might be avoided.

In various parts of the constitutions directions were given for careful administration in the parishes. Divine service was not to be celebrated in any building which had not been consecrated and adorned ; lists of the excommunicated, and also of deceased persons who had made wills, were to be delivered to receivers. Copies of wills were to be made by the clergy, so that commissaries might be able to deal with the executors. The deans within the diocese were to deliver to the archbishop or his representatives their books of corrections, visitations, and irregularities ; and holders of cures were at every synod to take with them the book *Manipulus Curatorum*, and to be examined thereon, that they might be able to

show if they could discern between papal, episcopal, and priestly cases. Special instructions were given to vicars-pensioners, or those holding perpetual pensions, to reside at their churches in order to administer daily the divine rites and sacraments, and they were required to withdraw substitutes. Deans were to make a list of perpetual chaplainries, and a note of the chaplains who failed to give service, in order that the souls of the founders might not be defrauded. Holders of cures were to transmit the names of the priests officiating in their churches, and of the parish clerks, that there might be security that divine service was regularly held. Special regulations were issued regarding the attendance of the properly appointed clerics, and also regarding the conduct of the services. Rectors, perpetual vicars, and pensioners, and also their curates and chaplains, were warned that on Saturdays at vespers, and on Sundays and all other feast days at high mass and vespers, they should appear in the churches; and dressed in clean surplices, after the ringing of the bells and the lighting of the candles at the altar, should celebrate devoutly in a clear, high, and intelligible voice, so that divine worship might be magnified and the people incited to devotion. The parish clerks were also to attend, wearing surplices, and to

take part in the services, as they were required by law and custom.¹

The penalty attached to a breach of the constitutions was more than an empty threat, and it was enacted that persons excommunicated for any term longer than a year, unless they had a right of appeal, were to be reputed heretics and publicans, and, till they returned to the bosom of the holy Mother Church, were to be shunned by faithful Christians.

Residence at the University, as has been seen, was accepted as an excuse for the absence of clerics from their churches. The archbishop, however, took direct means to secure students. Reviving an old usage, he enjoined the monasteries of St Andrews, Arbroath, Dunfermline, Scone, Cupar, Lindores, Cambuskenneth, Holyrood, and Newbattle each to pay the charges of two professed "religiosi" to study at St Andrews the sciences and virtues; while the expenses of one student were to be met by each of the houses of Kelso, Dryburgh, Coldingham, and Balmerino.² The archbishop hoped that through his arrangement the University would flourish in the number of students and scholars, the religious orders increase in virtue and knowledge, and aid be given to the Catholic Church of God fighting

¹ Appendix, XV.

² Appendix, XVI.

against heretics undermining the holy Catholic faith.¹

By one of the constitutions the archbishop revoked, save in the cases of the Dominicans and Franciscans, who were not under his jurisdiction, faculties for hearing confessions, licences for trafficking in indulgences and confessions, and letters of admission to benefices, which had not been obtained from him. The fortunate men who had secured presentations to livings were required to present themselves for examination in presence of the archbishop or his commissary, and if found qualified would receive licence by letters patent. Even parish clerks must satisfy a synod that the archbishop as ordinary had confirmed their admission. Schevez in his day made it necessary for those ministering in cures to exhibit their certificates of qualification, and he too revoked all licences which he himself had not granted.²

It is worthy of note that the constitutions which were enforced, so far as the records show, were those relating to dues, and it might be argued that the prelate's deepest concern was

¹ The archbishop granted an annual payment of £50 Scots from his see to Master John C., a Frenchman, who left his country to serve him. The Frenchman was to enjoy the pension for life, or until he obtained a more lucrative appointment, and was to lecture in the University of St Andrews "in arte poetica seu oratoria" (F., 89).

² Patrick's 'Statutes of the Scottish Church,' cix. App., XVII.

with finance rather than with morals and religion. The compiler of the *Formulare*, though improbably, may have failed to obtain information regarding cases of discipline for wrong-doing. The archbishop was a statesman and diplomatist rather than a churchman, but he was not a libertine; and there is no reason to say that after the fashion of the evil-doers he was forced to be lenient to the sinners of his flock. Yet we have no knowledge that in administering the constitutions he laboured as a priest of the Church of Christ; and it may be that the existing documents reveal the true character of the man, and that he was careful about dues and fines, and neglectful of weightier matters.

In illustration of the archbishop's procedure there is the case of those who neglected to attend the synods and observe the decrees. One of the deans was directed to warn them to pay their fines within nine days, on pain of suspension for priests and excommunication for parochial clerks.¹ Authority was given to an archipresbyter and rural dean to exact "*procuraciones et synodalia et alia jura*" due to the archbishop, to make general and special visitations, and to cite parochial clergy to chapters, with exemption for commissaries of "*majores excessus*" and wills

¹ F., 63.

exceeding £40, who were to be dealt with apart. The dean was to be responsible for the monies, and was to answer for them at the general synod.¹ Notice was also given that the archbishop would inflict the penalty against absentees, and that such persons would be required to return to their cures or to proceed to the University. The penalty was a fourth part of the fruits of the benefice.² In connection with a similar warning two commissaries were empowered to deprive under the statute of residence,³ and a procurator and advocate-fiscal was appointed for cases under that statute.⁴ From one of the documents it may be seen that pluralism was not confined to the great ecclesiastics, and it is to be remembered that involved in pluralism was non-residence. A canon of Trinity College Church, described as near Edinburgh, who held a prebend with the office of sacrist, and had also a fourth of the fruits of a parish with certain lands, left the church without permission. So long was he away from his duties that the archbishop declared the canonry vacant, and conferred it upon a priest "in cantu et discantu eruditus."⁵ It is also recorded that the chaplain of an altar in a parish church forfeited his office owing to prolonged absence, and that one of the

¹ F., 150 ; Appendix, XVIII.

² Ibid., 14.

³ Ibid., 15.

⁴ Ibid., 16.

⁵ Ibid., 115 ; Appendix, XIX.

chaplains in the Trinity Church of St Andrews was cited to hear sentence of deprivation for non-residence and inattention to service.¹ We have, on the other hand, notices of exemptions. Permission was given to a vicar to absent himself for a year or during the archbishop's pleasure, on condition that a proper substitute was provided.² A rector was allowed to reside for three years at a university "in qua studium viget generale";³ while an old man, over seventy years of age, was permitted to absent himself from his church, provided it was served, and from councils and synods.⁴

The confirmation of wills was a social necessity, but it was also a legal arrangement profitable to the archbishop, and was not neglected.⁵ Our records serve to illustrate procedure in connection with wills, and to show once more the financial zeal of the prelate. Notice was given on one occasion to the incumbent of a parish to warn executors to produce, within nine days after the death of a testator, the will for confirmation and to pay the dues.⁶ In the case of a subject vicar of St Andrews, who had died within the diocese of Brechin, Forman intimated to his suffragan that the will and inventory must be presented and the quota paid to him in St Andrews, other-

¹ F., 219, 306.

² Ibid., 16.

³ Ibid., 17.

⁴ Ibid., 96.

⁵ Appendix, XX.

⁶ F., 51.

wise the executors would be required to hand over the goods to the Dean of Angus for disposal according to law.¹ Confirmation, it appears, could be refused, as was shown in the case of a widow whom her husband had named executrix. Forman, according to her narrative, refused confirmation, and violated custom regarding "*executores dativi*"—custom confirmed by synodal and provincial constitutions—by appointing her enemies without consulting her. She presumed that the archbishop's action had been done to create trouble which might end in homicide, and she appealed.² What happened in the case of this importunate and slanderous widow is unfortunately unknown. As the constitutions required, executors of wills were enjoined to appear after a year to show that they were discharging their duty. In one instance Forman directed the "*curati*" of three parish churches to cite certain executors to give account of administration and the payment of legacies under a will, and appointed commissaries to hear their account, giving them power to summon witnesses under pain of censure, receive documents, hear objections, and, if satisfied, acquit the executors.³ In connection with another will, the executors were called to the church of the Dominicans in St Andrews, which was described as "*locus con-*

¹ F., 198.² *Ibid.*, 165.³ *Ibid.*, 59 ; Appendix, XXI.

sistorialis solitus.”¹ Procedure in the cases of those who died intestate is illustrated in our records, and it may be seen how Forman adhered to his constitutions. He appointed on one occasion the Archdeacon of Glasgow as “executor dativus” for 300 marks Scots belonging to a rector in St Andrews diocese who had died intestate, and directed him to satisfy creditors and report after the statutory year.² On another occasion the archbishop, whose duty it was, as the writer of the deed stated, to grant executors, that the possessions of those dying intestate or “bona extra vel ultra testamenta testantium relicta seu oblita” should be disposed for the salvation of their souls, appointed an executor for the property of a certain person who had died intestate outside Scotland, with power to recover the belongings and satisfy creditors.³ The executors in another case disagreed. Two of them attempted “bona usurpare,” and the others appealed to Forman. The Officials of St Andrews and Lothian were authorised to grant the appellants letters against the debtors of the deceased or any intromitting with his goods; and letters were suspended which had been issued at the instance of the archbishop or his vicars-general to the fraudulent executors.⁴

¹ F., 60.

² Ibid., 61.

³ Ibid., 62.

⁴ Ibid., 63; Appendix, XXII.

Punishments devised for those who polluted churches and churchyards by the shedding of human blood were inflicted by Forman. The civil offence did not come within his jurisdiction, but his authority extended to those who caused dishonour to his ecclesiastical possessions. Certain men cruelly wounded one who was a layman within the walls of a cemetery, to the great effusion of blood; and the incumbent of the church was commanded to denounce the aggressors as excommunicate, and to continue to denounce them publicly and solemnly till he received instructions to cease.¹ The archbishop also excommunicated, though the case may not have come directly under the synodal constitution, three persons, "nobiles genere," who with a band of associates went "ad maneriam nostram et villam de N.," harried it, beat the servitors, and drove off the cattle.²

Several documents in the *Formulare* show how the crime known as "presbytericide" was treated. The sentence of greater excommunication was on several occasions temporarily relaxed by Forman on condition that the repentant culprit should, within the specified period, set out for Rome to obtain absolution.³ There, as we learn from a writ of 1527, he would secure letters of absolution from the pope's penitentiary, and

¹ F., 314.² Ibid., 75.³ Ibid., 279, 293.

would do such penance as was enjoined. On his return he appeared before the archbishop in the diocesan synod to obtain declaration of absolution, and was required to walk before the synodal procession *in lineis*, holding a *virga*, and having his hands bound with a *cordula* about his neck.¹ A layman of St Andrews, exasperated by a sentence in the ecclesiastical courts, attacked his priestly creditor and maimed a finger of his enemy's left hand. Even for this offence he had to approach the Roman See.²

Lauder³ has copied documents illustrating cases of violence used upon churchmen. Four nobles imprisoned a rural dean while exercising his office, and Forman dilated upon the offence against the Holy See, his own legatine authority, the clerical order, and the whole Scottish Church. He declared them to be under sentence of greater excommunication, and ordered the clergy to denounce them, when required, in Scots, till the dean was restored to liberty and absolution was obtained from the pope or himself. Three days of grace would be followed by aggravation, and that, after other three days, by reaggravation, *campanis pulsatis, candelis accensis et extinctis et in terram, ut moris est, projectis cum cruce erecta et religione induta aquam benedictam aspergendo ad fugandum demones qui eos sic detinent*

¹ F., 291.² Ibid., 292.³ Cf. *infra*, p. 226.

alligatos et laqueis suis catenatos, orando quod dominus Jhesus Christus ipsos ad catholicam fidem et sancte matris ecclesie gremium reducere dignetur ne in talibus perversitatibus et duritiis dies suos finire permittat cum decantatione responsorii Revelabunt celi Iniquitatem inde et psalmi Deus laudem meam ne tacueris cum antiphona Media vita in morte sumus, the ceremony being completed by a procession of clerks and parishioners from the church and the throwing of three stones towards the houses of the culprits, in sign of eternal cursing. Denunciation would take place after mass, at vespers, at other canonical hours, at sermons and public preachings. Under pain of the greater excommunication all the faithful would then be required to withdraw within twenty-four hours from the service of the condemned. After other three days all places at which the culprits were found would be interdicted, the interdict to extend for three days after their departure. This interdict meant that while penance and baptism would be ministered to all indifferently, the eucharist would be given only to the sick, marriage would be contracted without ecclesiastical solemnity, and ecclesiastical burial would be denied to the dead. After the lapse of three more days the secular arm would be invoked by Forman to imprison the guilty

persons till they submitted, without *gravis lesio* to their bodies.¹

The privileges of the ecclesiastical courts were carefully guarded in the synodal statutes, and also in the archbishop's practice. Two commissioners, to take an instance, were appointed to bring three parish priests, cited by the king's officers, to the jurisdiction of the archbishop and to provide the necessary "*cautio*."² Instructions were also given to four baillies to appear before the king or his justiciar "*in pretorio burgi sui de D. in itinere seu itineribus seu justiciarie inibi aut alibi ubique locorum*," and convey to the courts of the regalities of St Andrews and Dunfermline any who had been cited before the civil tribunals, and to defend the privileges of the regalities.³

No copy of a certificate of admission and confirmation of a cleric, or of a grant to him of powers and faculties to hear confessions, has been discovered; but there is a note of a licence to a Dominican of St Andrews to preach in the diocese, to hear confessions, and absolve. The archbishop reserved for himself "*occulte oppressiones parvulorum, decimarum et testamentorum defraudationes et voluntarie perjuria*," but enjoined rectors to summon their parishioners to hear the Dominican.⁴

¹ F., 69 ; Appendix, XXIII. ² Ibid., 245. ³ Ibid., 96. ⁴ Ibid., 254.

After the meeting with M. D'Aubigny, Forman took part in no public business of which there is record, though he was alive on January 30, 1521, when a prorogation of the truce with England was arranged.¹ On the 22nd of that month a marriage dispensation was granted in his name to one of the Homes.² Law's manuscript is our authority for the statement that the archbishop, having reigned six years, died on the 11th of March 1521; but Law offers no information regarding the illness of the prelate, and no biographer has preserved the last scenes of his life. There is every reason to accept the date given by Law, who was a contemporary; and we have a certain corroboration in the statement made in a letter from Rome, dated October 10, that the see had been vacant for eight months.³ It may be noted also that in a communication to Pope Hadrian, February 6, 1522, the Chancellor and the Estates declared that Leo X. had added eight months to the period for nomination to St Andrews and Dunfermline.⁴ In the 'Vitæ Pontificum' Balfour states that Forman held the see six years and nine months.⁵ Spottiswoode in

¹ Rymer, xiii. 736.

² Hist. MSS. Com. R., xiv. 3. 67.

³ H., iii. 1654.

⁴ E. R. S., i. 75. On April 1, 1521, the death was known to the Venetian ambassador in London (Cal. Venet. Pap., iii. 184).

⁵ Adv. Lib. MSS., 33. 2. 8.

his History narrates that Forman died and was buried at Dunfermline; but from Law's manuscript we learn that the archbishop died at Dunfermline and was buried in the church of St Andrews, beneath the pavement in front of the high altar, beside his predecessor Schevez.

Robert Forman was his brother's sole heir. He constituted John Roul, a sister's son, and his heirs assigns for all lands, rents, likewise alienations, mortgages, and reversions of the same, and for any debts still owing to the late Andrew as Bishop of Moray, giving full power to dispoise with regard to property which came to himself from his brother by hereditary right and succession.¹

Law, who was evidently writing at the beginning of the archiepiscopal reign, exclaimed, "*Quanta bona faciet ecclesie non est mee facultatis evolvere quasi futurorum ignarus: vivat feliciter: deo gratias*"; but unfortunately he has left no estimate of the good or evil which Forman did in the see of St Andrews. Balfour in the '*Vitæ*' describes Forman as "a worthy, learned, and religious prelate, hospitable and liberal to the poor and indigent"; while Spottiswoode's description of him is "a plain and open man, but said to be profuse." It is evident,

¹ F., 544; Appendix, XXIV.

however, from the diocesan constitutions and the documents in the *Formulare* that Law's silence could not have been due to a desire to screen the conduct of one who, having risen to the highest ecclesiastical place in the land, shamefully neglected the duties of his office. There is, too, in the archbishop's will, which named no relative who was his son or daughter, a testimony, if indirect, to his decency of conduct; and it is to be remembered that he lived in an age which saw Innocent VIII. and Alexander VI. on the papal throne. Forman, who had been the favourite of his king and was the nominee of the Bishop of Rome, reached the primacy in the Scottish Church; but the road was hard and rough. The war with its disasters was not forgotten when the Bulls of St Andrews were published, naming for the archbishopric the man who had urged his master to the tragic issues of Flodden; and these Bulls were at the same time fresh instances of the papal intervention, which Scotland jealously resented.

Elphinstone had died while his candidature for St Andrews was being urged by Margaret and Henry, and Beaton was no formidable rival to Forman, as stronger men were in the contest; but Hepburn and Douglas, sons of great houses, sought each his own elevation, and assailed the man whom Leo for private designs

was promoting. And was not that man a "parvenu," who had the effrontery to aspire to the Scottish primacy, the boldness to strive with nobles for the headship of the Church of the nation? The Homes, attached to him by a domestic link, patronised him, while they were mixing in the strife for power; but without the Bishop of Rome he would never have been Archbishop of St Andrews. It is undoubtedly true that Scotland asserted her ecclesiastical prerogative, and claimed from time to time the privilege, admitted by popes, of nominating to the great livings; but when Leo cast custom aside and promoted Forman there was no tribunal before which an indignant country could arraign him, and he stood secure in his papal authority. While, however, Leo could promote he could not force, unless by excommunication or interdict, the admission, which was barred by tedious delays. Month after month Forman hesitated to return from France, and in his difficulties sought the aid of diplomacy. Henry was not deceived by the assertion that Forman had not favoured the invasion which ended at Flodden, and was too clever to believe that he would help the English cause in Scotland; but representations were made, and revealed either the weakness or the duplicity of the prelate. The excuse may be urged by those who love

an apology that Forman was eager to reach the primacy, and was sincere in pledging himself to one who could help him along the road of his ambition. But it was a weak resort to turn in his need to the king he had tried to thwart in the years of the Holy League, and a mean recourse to seek the grace of a sovereign scheming to be the master of a country he had not conquered. Henry would not give ear, and the prelate was rebuffed with his wiles and artifices natural to a diplomatist, but unworthy of the adviser of the king who fell at Flodden. Even in Scotland Forman did not renounce the habits of a diplomatist, and Albany suspected him. He certainly did not reach with Home a traitor's end, but he sought and did not find the English favour. After many hopes and many trials of his patience he reached the archbishopric; and it may be that his rivals, self-seekers though they were, were not altogether wrong in their judgment of the man who had promoted a disastrous war, and had afterwards sought help from the enemies of his country.

His high place as Archbishop of St Andrews secured for Forman the dignity of a vice-regent. His name, however, is associated with no conspicuous event and no notable policy in Scottish history. In the Church he laboured

faithfully in the ordinary business of a prelate and primate, but no religious revival brightened the years of his rule. In the archbishop's last years Martin Luther was stirring Germany by his spiritual and ecclesiastical revolt, and Scotland was not too distant to hear the echoes of the Reformer's words. Forman, however, did not tremble for the ark of God, and was comfortable with the priests of other lands, trusting that the Church, with its foundation, could suffer no injury. If he acted, it was when he instructed the monasteries to send students to the University to learn the truths which would silence the enemies of God. Yet his careful heed of episcopal business is to be registered to his credit, and it is to be written that he was no corrupter of his times.

Custom suffered prelates before the Reformation to hold offices of State, and secularised the institution founded for the promotion of religion. To that custom Forman was obedient; and while he did not hasten, as a libertine or a persecutor, the ruin of the ancient Church, he did nothing as a reformer or a prophet to stay its fall.

He was buried before the high altar, where the sepulchres now lie open, in the great cathedral, which is roofless.

THE FORMULARE.

Among the MSS. in the possession of the University of St Andrews there is a book compiled by a notary who lived during the half-century before the Reformation. Twelve hundred and seventy pages, in the same hand, bear witness to the industry of the writer and to the excellence of his penmanship. An elaborate index confirms what is clear on a casual glance through the text, that the compiler had set himself to collect all manner of styles. Unfortunately this interest led him as a rule to exclude proper names and dates; but a frequent inadvertence saves the historian from the labour of conjecture, and in the great majority of cases where proper names occurred the true initials have been used. Documents which begin with the name of a prelate have that name written in full, and almost all the monastic houses or collegiate churches mentioned may be easily identified. It is true that some few writs can be shown from internal evidence to be attributed wrongly to Andrew Forman,—for instance, when they really belong to the time of Alexander Stewart or James Beaton; but, on the other hand, the great majority are demonstrably faith-

ful copies upon which the historian may rely. In using the materials for the biography of Forman, care has been taken to draw attention to documents of doubtful authenticity.

Had the writer systematically mentioned names and dates, the volume would doubtless have been exploited long ago. Robertson, in preparing his great work, the *Statuta Ecclesiæ Scoticanæ*, extracted much valuable material; but he did not have time, apparently, to peruse all that was of importance, and there still remains a considerable mass of information regarding the usages of the Scottish Church which adds not a little to our knowledge.

For the period of Andrew Forman's archiepiscopate we have, roughly, some two hundred and sixty documents, many of great length and of considerable biographical and historical interest; but the peculiar value of the collection is that it preserves for us writs of a fugitive character which never found their way into charter-chests or chartularies.

A perusal of the whole volume brings out one very marked feature. The compiler seems to have had access in succession to three archiepiscopal registers, and to have enjoyed peculiar advantages as a collector of styles. There is a large proportion of documents concerned with the few years of Forman's administration. Writs

belonging to the time of James Beaton, who succeeded at St Andrews, are remarkably scarce, and the compiler passes to Glasgow, where Gavin Dunbar was now archbishop. With the accession of David Beaton he returns to St Andrews and gives us evidence bearing on the rule of the cardinal.

A second marked feature is the number of documents which concern the personal interests of a Master Jo. L., or were completed by him as notary. It was natural to conjecture that this man was the author of the compilation, and the occasional appearance of the full name "John Lauder" suggested a further inference. Additional evidence was furnished by the fact that quite a number of writs introduced into the collection, without mention of the acting notary's name, are still in existence and are known to be John Lauder's work.

The first feature of the book agrees with such evidence regarding Lauder's notarial activity as we can gather from extant sources. It seemed likely, therefore, that the compiler of the *Formulare* was none other than that John Lauder who is so vigorously condemned in the account of George Wishart's trial, and who acted as secretary to Cardinal Beaton. In sorting out the writs belonging to the city of St Andrews, there was found a document of the Forman

period which was executed by Lauder, and which was, in part, entered in our collection. A comparison of the hands at once proved what had been before almost a certainty.

Laing, in his edition of Knox, gathered some facts regarding Lauder, and it will be sufficient, for the present, to add some information about his early life derived from his own compilation.

John Lauder was the son of a priest and a married woman. While he was a student at St Andrews he obtained a dispensation *in prima forma*, addressed by the Cardinal of St Marcellus to Archbishop Alexander Stewart. As Stewart was abroad, Gavin Dunbar, the archdeacon, as a vicar-general, gave effect to the dispensation. Lauder was early connected with Forman, who, as Bishop of Moray, gave him the tonsure. James Hepburn, Forman's successor, promoted him to the four minor orders. From Andrew Forman, as archbishop, he obtained an indult *de non narrando defectum natalium*, letters empowering him to hold two incompatible secular benefices or a secular benefice and a regular benefice of any order, and letters authorising him to hold a third incompatible benefice. He seems to have held a prebend in a collegiate church, probably Crichton, and he acted as a secretary to Forman, subordinate to John Sauchy. Documents in the *Formulare* show his interest in one

or two small benefices during this period, but these cannot be certainly identified. On the death of his master, Lauder, as we have seen, did not continue to act in St Andrews.

He has preserved a document relating the circumstances under which he became notary by apostolic authority. At the beginning of his reign Julius II. elevated a certain Paul de N. to the dignity of *comes et miles Palatinus*. This person was a consistorial advocate and a doctor of the laws. Like his father, he was a regent in the Roman University, and the distinction which was now granted had also been enjoyed by his father before him. The privileges of the position involved the creation of notaries, with due regard to qualification; the legitimization of persons suffering under defect of birth, so that they might succeed to property, hold secular offices, and in general be restored *ad jura naturæ*; and finally the admission of candidates, with the advice of two or three doctors, to the degrees of bachelor, licentiate, and doctor in the laws, these persons to enjoy all the privileges of graduates *in studiis generalibus*. His powers were capable of being delegated, and it would appear that when Forman's secretary, John Sauchy, was in Italy on his master's business, he received deputed authority as *vicecomes* to create twenty-four notaries. Lauder appeared before the delegate

at Pittenweem and was found *habilis idoneus et in literatura ac arte notariatus exercenda satis edoctus*. He then took the notarial oath, which bound him to obey St Peter, the Roman Church, the pope, and his canonical successors ; he would not be a party to any injury inflicted upon them, or willingly reveal any counsel confided to him if such revelation would be to their hurt ; he would prevent to the best of his ability anything endangering the pope or the Church, and, if necessary, inform the pontiff ; he would aid in defending the papacy, the *regalia* of St Peter, and the rights of the Church, especially in the city or land of his birth. As to his office, he would never alter the substance of an instrument without the consent of the party or parties, nor would he willingly complete an instrument in a fraudulent contract. After putting the contract in the form of a protocol, he would not, against the will of parties concerned, defer the completion of an instrument, providing always that he received his payment, just and wont. Having taken this oath, Lauder was formally created notary by apostolic authority *per traditionem penne, calamaris et charte* (557).

The first document entered in the volume belongs to the close of the year 1522, and it is evident, therefore, that Lauder did not begin his laborious compilation till after Forman's

death. He arranged the writs which he had into groups, and probably intended to keep kindred styles together. The first half of the book was mainly devoted to materials of the Forman period, but later specimens were introduced, and the broad chronological scheme was further infringed by the subsequent introduction of earlier writs. As the work progressed an index became necessary, and this was executed so as to serve the purposes of the notary.

The transcription is, as a rule, very careful, and there are few omissions or mistakes even in documents entered with less than the wonted deliberation. Each specimen has a heading to explain its general character, and we gather that if Lauder was a careful copyist he was not lucid or accurate in original composition.

APPENDIX.

I.

ON June 28, 1499, a safe-conduct was ordered by Henry for Blackader, Bothwell, and the Protonotary of Scotland, and this was granted on July 2 (C. D. S., iv. 1653, 1654). In August a safe-conduct for four months was granted to Forman, Prior of May and Protonotary, envoy of James, with thirty horsemen (*ibid.*, 1656). In December another was issued for Blackader, Bothwell, and Forman, for three months (*ibid.*, 1660). On April 19, 1501, it was recorded that the Lion Herald was going to England with the Protonotary (T. A., ii. 104); while on May 9 a safe-conduct for eight months was granted to Blackader, Bothwell, and Forman, Prior of May (C. D. S., iv. 1670). Under date June 17-20 there is a record in the Accounts (ii. 112) that the king sent letters to the Protonotary "on the day of truce."

II.

The contemporary Florentine, Guicciardini, refers in his History of Italy to Forman's mission. He alludes to the interview at Parma at the beginning of May, and adds that, as a result of its unsatisfactory character, Gurk "immediately ordered three proxies, in the name of Cæsar, to repair to Milan. These proxies, in conjunction with the Cardinals and the proxies of the King of France, proclaimed the Council to be held on the first day of September next, in the city of Pisa" (v. 204, 230,

Eng. trans.) The historian goes on to state that Julius, "even before his departure from Bologna, had sent to the king the ambassador of Scotland, whose business was to continue the treaty which had been set on foot, by the agency of the said ambassador, with the Bishop of Gurk" (240). Louis was desirous of peace after the fall of Bologna; but the withdrawal of the French troops hardened instead of mollifying Julius. "He acted as if he were a conqueror, not conquered, proposing by means of the same Scotch ambassador that for the future the Duchy of Ferrara should be subject to the same tribute which it had paid before its diminution by Pope Alexander, that the Church should keep a Visdomino in Ferrara, as the Venetians had done before, and that Lugo and the other towns which Alfonso d'Este possessed in Romagna should be yielded up to him. Though these conditions appeared very hard to the king, yet so great was his desire of peace with the Pontiff, that he answered he was content to agree to almost all these demands, provided the affair might be transacted with the consent and concurrence of Cæsar" (242). Guicciardini is unaware that Forman returned to the papal Court in July, and credits him with carrying on the negotiations in France along with the Bishop of Tivoli (267).

III.

Forman's movements before the voyage to France may be traced. He attended an assize, held at Edinburgh on September 30, 1512, upon William Douglas of Drumlanrig (Criminal Trials in Scotl., 1488-1563); and on October 29 acted as one of the auditors of accounts (T. A., iv. 359). In December he was in England, as the letter of James to Henry, dated the 6th of the month, shows; and on January 1, 1513, he was once more in Scotland, and on that day played cards with the king and the Archbishop of St Andrews (*ibid.*, 401). A meeting of the Lords of Council was held on February 22, at which he attended (Cal. Chart., 795 B).

IV.

The Diurnal of Occurrents records that Margaret convened the Lords at Perth on November 11, when there was a great disturbance over the marriage. The situation would be easier to understand if that meeting took place in August, and it may be that the chronology is wrong. The Diurnal also records the capture of Beaton by some secular persons, for which they suffered excommunication. This incident is placed in September by Sir William Fraser (Douglas Book, ii. 119), who asserts, without quoting his authority, that it was Angus who arrested Beaton, and that he compelled the Archbishop of Glasgow to hand over the Great Seal to Gavin Douglas, who held it for about two months. Lesley says that Margaret, by the proud counsel of her husband's friends, seized the whole government of the realm, and "causit tak the Bischop of Glasgw being Chancellor in Saint Johnstoun, and tuik the great seale fra him." In the Acts of the Lords of Council, September 21, 1514, it is recorded that Gavin Douglas was required to give the keys of the Seal, and Dunbar to give the Seal itself, to Beaton. From the minute of the Council of October 24 it is evident that Beaton was still trying to obtain the Seal, and the Lords by their declaration were prepared to have another made, if necessary.

V.

Information was sent to Wolsey, April 3, that Albany had left Paris for Orleans and St Malo (H., ii. 297). Albany sailed from St Malo (*ibid.*, 473). Efforts had been made to induce Francis to detain him (*ibid.*, 296, 297, 304). The treaty of peace, dated April 5, between France and England, comprising arrangements regarding Scotland, is printed in Rymer (xiii. 476).

In reference to Dunkeld, it was afterwards suggested, and the suggestion is not improbable, that Forman had obtained

briefs in which the pope declared his intention not to dispo-
 Dunkeld to Douglas till he, Forman, was in possession of St
 Andrews (letter from A. Turnbull to Douglas, printed in
 'Works of Gavin Douglas,' Introduction, 55).

VI.

Francis sent an envoy to inform James V. of his agreement
 with England (H., ii. 412), and on April 26 we find his envoy
 at Berwick, conducted thither by the good offices of Wolsey
 (*ibid.*, 378). Wolsey was informed about this time that the
 Bishop of Ross was about to go to England and Scotland on a
 mission of peace (*ibid.*, 399). As a result of the negotiations
 of Francis, and of the advice of Stuerd, Leo's envoy, who had
 been a year in Scotland, a letter was written, in name of James
 and under the great seal, to the French king, intimating a desire
 to be included in the treaty (*ibid.*, 412). Wolsey, of course,
 soon learned the fact (*ibid.*, 421). On May 15 the inclusion
 of Scotland in the peace was formally accepted in a letter of
 James V. to Francis, and among the witnesses were Beaton
 (the Chancellor), Angus, Arran, Home, and John Hepburn
 (*ibid.*, 464).

VII.

In deference to English representations Leo sent a brief to
 Albany to the effect that Margaret should enjoy the guardian-
 ship of her son (H., ii. 1672). The Scottish Council, after con-
 sideration of the brief, repudiated the authority of the pope in
 temporal matters, and Margaret's claim to rule after the death
 of James IV. was denied. It was set forth that the government
 had devolved upon the Estates, who had chosen Albany with
 Margaret's consent, and that the tutelage of her children was
 forfeited owing to the Angus marriage (H., ii. 1011). To the
 Queen Albany wrote privately, offering to release Gavin Douglas,
 to give him a benefice, and to secure her entire control over her

children. The reply was not free from sarcasm. She would be glad to see Douglas released, but Leo probably took him for a bishop and would see that his wrongs were redressed (H., ii. 1027). The Queen's belief that Leo would support Gavin Douglas was well founded. The agent of Angus in Rome wrote on November 4 that Leo, on learning of Douglas's imprisonment, granted a brief for his delivery. Another brief from Leo confirming the testament of James IV. was on its way. Apparently the imprisonment of Douglas, like the seclusion of Forman, was inconvenient for the financiers attached to the Roman Court (H., ii. 1106).

VIII.

A royal licence to resign a monastery *in favorem* (abbreviated) :—

Nos Jacobus dei gratia Rex Scotorum licentiam damus per presentes venerabili patri nostroque consiliario N. abbati monasterii nostri de N. monasterium in Romana Curia et in manibus sanctissimi domini nostri Pape permutationis causa seu alias libere pure et simpliciter in favorem N. sui nepotis ac clerici N. dioc. resignandi et cedendi, et regressum ingressum et accessum ac fructuum reservationem ad vitam impetrandi ac bullas apostolicas levandi et illas debite executioni demandandi absque quacunque accusatione aut alia pena ex regni statutis aut parlamenti nostri actis imponenda, mandantes secretario nostro et aliis quorum interest ut pro resignatione, fructuum reservatione, ac regressu prefatis literas nostras Romano pontifici prout prefato venerabili patri videbitur scribat et expediat, non obstantibus privilegiis ac aliis regni statutis actis et consuetudinibus in contrarium factis. In quorum fidem presentes manu nostra subscripsimus etc. (F. 89).

IX.

On the death of James Ogilvy, David Hamilton, Bishop of Argyll, a brother of the Earl of Arran, was nominated for

Dryburgh. In anticipation of the papal provision Forman appointed Hamilton his *yconomus* to administer the abbey, so that the surplus fruits should be devoted at the archbishop's will to the uses of the house and the canonical successor. We learn that the office of *yconomus* and syndic was recognised by the law and custom of the realm. At the same time Forman commissioned his secretary, John Lauder, to fulminate against the convent, should they fail to obey Hamilton. In this commission there is reference to a brief of Leo X. commanding obedience to the powers *de latere* granted to Forman (F. 2, 3).

There was always a danger that hospitality should be somewhat freely extended during a vacancy; and we have Forman writing to the sub-prior and the rural dean, and forbidding the reception of seculars unless by special licence obtained of the sub-prior, and that only if they come *peregrinationis vel devotionis causa* (4).

Forman also at one time appointed an *yconomus* for "Ycolme-kill," since the suffragan see of Sodor was vacant (1).

When a monastery fell vacant, *sede vacante*, it was the duty of the vicar-general to appoint several *yconomi*. The compiler of the *Formulare* does not make it clear on what occasion or by whom a *single* administrator might be assigned (1).

X.

Archbishop Forman, who cannot act "in propria persona" because of "multiplices occupationes ac rerum multitudo quotidie incumbendum," appoints three vicars-general "in spiritualibus et temporalibus" to exercise his powers as archbishop, primate, and *legatus natus*, the appointment to last during Forman's will. Mandate is given them:—

(1) Abbates abbatissas et priorissas benedicere et conservare, clericos diocesis confirmare, ecclesias capellas oratoria et cimeteria infra diocesim consecrare, et si polluta vel suspensa fuerint

reconciliare, eaque antistibus catholicis committere, literas commendatorias et dimissoriales ad sacros ordines necnon testimoniales etc. officio vicariatus generalis spectantes dare.

(2) Causas civiles criminales matrimoniales beneficales, etiam ad privationes, prophanas et mixtas et tam principales quam incidentales et per appellationem sive per viam simplicis querele aut quomodolibet devolutas et ad nos quovismodo spectantes juris ordine servato seu summarie terminare et terminandas committere, sententias tam interlocutorias quam diffinitivas ferre exequi et executioni mandare, expensas taxare, literas citatorias monitoriales etc. fulminare, processus et censuras dirigere et ab iisdem absolvere, majora testamenta diocesis confirmare.

(3) Officiarios utpote oficiales commissarios et decanos creare et amovere, brevia capelle et sasine precepta dare, commissiones ad dispensandum super impedimentis sede apostolica directas et rescripta apostolica exequi.

(4) Synodos capitulaque generalia et cleri consilia tenere, transgressores nobis subditos corrigere et multare et sine exceptione personarum ad perpetuos carceres vel ad tempus condemnare, penas mitigare, suspendere, excommunicare etc. et brachium seculare invocare et ab iisdem relaxare, et de causis apostolicis nobis delegatis cognoscere et terminare.

(5) Confessiones per se vel alium diocesanorum audire, penitentias etiam in casibus nobis a jure reservatis injungere, confessores sive penitentiarios in casibus nobis specialiter reservatis deputare et in quibus nobis a jure vel alias seu per constitutiones synodales vel provinciales permittitur absolvere literas questoribus pro elimosinarum requisitione ac tollerantias in casibus reservatis ad celebrandum in locis prophanis concedere.

(6) Nos terras ecclesias jurisdictiones et privilegia defendere, subditos diocesanos nostre cohercioni spectantes replegiare, cautiones juridicas prestare, et pro complemento juris terminum statuere, curias spirituales et civiles tenere, literas pro nobis nostrisve ecclesiis aut terris unacum decretis levare, acta registra testimonialia instrumenta et notas instrumentales petere.

(7) Excessus ac loca religiosa infra diocesim et provinciam

corrigere, visitationes generales et speciales facere, necnon religiosos nostre commende visitare capitula convocare et de uno loco ad alium transferre, in iisdem in secretis regule constitutionibus dispensare.

(8) Commissiones pro graduandis in nostra universitate ratione cancellarie pro actibus solennibus in scolis celebrandis concedere et in iisdem graduandis dispensare.

(9) Fructus etc. sequestrare et sequestrationes relaxare, ordines generales servatis temporum interstitiis in diocese ministrare, presentationes patronorum admittere et presentatos instituere, resignationes canonicatum etc. necnon aliorum beneficiorum recipere, beneficia cum cura et sine cura etiam si canonicatus et prebende aut dignitates personatus administrationes etc. tam in nostra metropolitana quam in alia ecclesia collegiata diocesis fuerint quacunque de causa vacantia ad dispositionem nostram spectantia idoneis conferre ipsosque inducere, ac postulationes confirmationi nostre spectantes confirmare, et uniones et erectiones infra diocesim facere (F. 17).

Archbishop Forman appoints Master J. W., licentiate in the laws, Canon of M., to be Official principal of the archiepiscopal and metropolitan see. Mandate is given :—

(1) Causas civiles personales criminales et matrimoniales prophanas et mixtas et alias tam principales quam incidentales et per appellationem ab officiali nostro foraneo ejusve commissariis aut a suffraganeis seu eorum officialibus et commissariis devolutas et ad nos ratione dignitatis archiepiscopalis seu de jure vel regni consuetudine spectantes juris ordine servato seu summarie terminare, sententias tam interlocutorias quam diffinitivas ferre et exequi, expensas taxare, literas executoriales dirigere, censuras fulminare et ab iisdem relaxare.

(2) Transgressores infra jurisdictionem punire et ad perpetuos carceres vel ad tempus condemnare, penas mitigare, suspendere excommunicare etc. et absolvere, personas ecclesiasticas clericali privilegio gaudentes nostros diocesanos replegiare ac super eisdem justitiam ministrare, cautiones juridicas prestare et pro complemento justitie terminum statuere, et contra resistentes replegiationem per censuras procedere.

(3) Commissarium seu Commissarios, scribas etc. constituere et de fidelitate jurari facere, ceteraque facere que ad officialatum principalem de jure aut consuetudine pertinere dinoscuntur.

The appointment, given under the round seal, lasts during Forman's will (F., 23).

Archbishop Forman, who cannot act "propter multiplices occupationes et residentiam que nos in curia supremi domini nostri regis et alibi propter ejusdem et regni ardua negotia ac rerum multitudinem quotidie nobis incumbentium necessario detinet," appoints Master J. W., Official principal, to be "commissarius dignitatis primatialis Scotie et Apostolice legationis nate ad universitatem causarum eisdem spectantium." Mandate is given—

Causas civiles criminales matrimoniales prophanas et mixtas ac beneficiales et alias tam principales quam incidentales etiam ad privationes et per appellationem sive per viam simplicis querele aut alias a suffraganeis vel eorum officialibus et deputatis vel sedium vicariis generalibus et suffraganeorum subditis interpositas et ad nos tanquam regni primatem et apostolice sedis legatum natum devolutas et nobis ex officio de jure privilegio vel regni consuetudine spectantes etc. [ut in constitutione officialis].—F., 24.

Archbishop Forman, considering the extent of his diocese and the difficulty often experienced in coming to him in cases where he should be consulted, appoints the sub-prior of St Andrews to be "penitentiarius generalis" north of the Forth, with power to hear confessions of clerics and laity and absolve in cases "adulterii, homicidii, oppressionis parvulorum, fidei mentite, incestus ceterorumque reatum occultorum quorum nobis ut archiepiscopo absolutio de jure reservatur," to enjoin penances "penitentesque solenniter feria quinta in capite jejunii primo quadragesime et feria quinta cene domini ut moris est ad gremium ecclesie recipere," to dispense in cases reserved *de jure*, to apply fines to the fabric of the metropolitan church and other pious works, as Forman may direct, "percutientesque clericos dummodo lesio non fuerit enormis satisfactione premissa absolvere," and to depose in his place "doctos et sacerdotali dignitate preditos."

The appointment, given under the round seal, lasts during Forman's will (F., 22).

Archbishop Forman appoints a certain "nobilis vir" to be his "senescallus et ballivus," with power "omnes curias capitales et alias quascunque archiepiscopatus et regalitatis tenere, clericos notarios adjudicatores et alios juris ministros constituere, exitus ad usum nostrum exigere, brevia inquisitionis capelle nostre proclamare, assisam proborum virorum summonere, tenentes et infra regalitatem inhabitantes ac familiares et servitores, res bona et catalla in itineribus justiciarie vel camerarie regis aut ad alias suas vel vicecomitum burgorum baronum aut aliorum judicum spiritualium vel secularium curias per regis ministros indictatos replegiare, justitiam ministrare, cautionem prestare, deputatum seu deputatos substituere et omnia facere que nos faceremus." The appointment, given under the round seal, lasts during Forman's will (F., 25).

Archbishop Forman appoints a certain "honorabilis vir" to be "justiciarius magnus et principalis regalitatis," with power "iter justiciarie regalitatis singulis annis prefigere, curias affirmare, sectas convocare, clericum in itineribus constituere, delinquentes accusare et punire, coronatores et juris ministros deputare, diem et locum assignare, tenentes etc. [ut in constitutione senescalli]. —F., 25.

Archbishop Forman appoints a "camerarius terrarum ecclesiarum firmarum et fructuum" pertaining to him as archbishop, with full powers "curias terrarum ac iter camerarie infra regalitatem Sanctiandree tenere, eschaetas et amerciamenta levare, terras ecclesias et decimas pro triennio nostro expresso consensu et juxta formam rentalis nostri assedare arrendare locare et ad firmam dimittere et in rentali inscribere ac pro nostris devoriis ex eisdem terris etc. namare, redditus etc. exigere, quittantias dare, a ballivis maris servandis etc. nostris tam spiritualibus quam temporalibus compota petere, compotum nobis vel commissariis aut nostri magni compoti auditoribus dare, ac pro premissis quascunque personas coram quibuscunque iudicibus ecclesiasticis vel secularibus proseguere." The commission, given under the round seal, lasts during Forman's will (F., 22).

XI.

Two documents in the *Formulare* doubtless relate to a controversy arising from the claims of the Abbot of Melrose. Forman and his brother, the Dean of Glasgow, were directed as sub-delegates of John Vanulius, pope's chaplain, to absolve the Abbot of Cupar from a sentence of excommunication passed upon him at the instance of the Abbot of Melrose. The Abbot of Cupar and the procurator of the Abbot of Melrose appeared in the church of St Andrews and heard the absolution (212-3).

XII.

There is a curious document in the *Formulare* regarding Arbroath. It appears that James Beaton resigned the monastery in the hands of Leo X. in order that it should be given *in commendam* to Master G. B., with regress for the Archbishop of Glasgow. Apostolic letters were not completed, both parties resigned their rights, and the pope gave the administration to A. H. for two years, after which period A. H., upon taking the vow, would become abbot. In the present document Forman grants *littere conformes*. There can be little doubt that the individuals concerned are George Beaton, nephew of Archbishop James Beaton, and Alexander Hamilton, who became in succession Abbots of Kilwinning (cf. Brady, i. 195). Arbroath did not at this time change hands, and possibly the transaction came to nothing owing to the interference of Albany (F., 137).

Additional documents in the *Formulare* seem to be connected with this incident. Forman directed the sub-prior to deal with certain members of the house who were dissipating the goods during vacancy, and stated that his promotion subsidy was still unpaid. A previous commission to elect a new sub-prior was revoked, but new "officiarii" were to be appointed. Another writ permitted the sub-prior to admit to the vows of the order (F., 49-50).

XIII.

On January 9, 1519, in the cathedral, Forman dealt with a chaplaincy in the church of St John the Evangelist belonging to the *Pedagogium*. The former holder, John Dure, was dead, and the benefice was now given to Alexander Aittone, pending a settlement of the foundation statutes contemplated by the archbishop. In the meantime the chaplain was to celebrate thrice a week in the church *per se vel per alium*, was to be present in person at the *disputationes communes* of the *Pedagogium*, and was to give his best efforts to the common good of the place (Univ. MS.)

XIV.

The seal of Forman as Archbishop of St Andrews is thus described (Catal. of Seals, Brit. Mus., iv. 14943)—“Pointed oval: in three gothic niches, with architectural canopies, a figure of St Andrew, with nimbus and book, standing behind a large saltire cross, between figures of St Peter and St Paul, each with nimbus, book, and the distinctive emblem attributed to him. In the base, on a long cross, a shield of arms: quarterly, 1, 4, a chevron between three fishes hauriant, Forman; 2, 3, a horse's head erased, with a hawk's bell at the neck, Horsburgh: above it, on two scrolls, the motto: *defende me dñs*.” The legend is defective, but on another seal (14944) it is: *S · Andree · formā · Archiēpi · Sēt · andree · totius · Regni · Scotie · p'mat' · ac · ap'lice · sedis · legati · nati*. Cf. Laing's Catal., 878. For Forman's seal as Postulate of Moray and as Bishop of Moray, cf. Laing's Suppl. Catal., 1041, 1042. Stodart's ‘Scottish Arms’ and ‘Heraldic Ceiling of St Machar's Cathedral’ (New Spalding Club) may be consulted.

XV.

The *Formulare* throws some light upon the office of parish clerk (*clericus parochialis*) in Forman's time. By right and

usage the parishioners elected. One instrument enumerates the voters by name, and describes the procedure in an election stated to be unanimous. "Quilibet eorum per se et singulariter per vota elegit, regimen et administrationem officii sibi committendo et in signum electionis per deliberationem amphore isopi aspersorii et aque benedictæ et aliorum officium concernentium traditionem in officio investierunt, de quibus de novo electus petiit instrumentum." This instrument was then presented to Forman to be confirmed (98). In the case of the Trinity Church of St Andrews the community of the burgh had the plenary disposition, and the nominee of the provost and baillies at once required the canon who was acting vicar to invest him by the tradition of the symbols, including the keys and bell-ropes (99).

There are several cases of dispute. At one time the archbishop will reduce a confirmation on appeal from a candidate with a better claim (307); at another, Forman appoints because the electors have failed to observe the time limit, or substitutes a clerk for a layman (130); again, wilful homicide is charged against a parish clerk, and two commissaries report upon this and upon the claim of a successor elected by the parishioners (305).

Previous administration seems to have been slack, and we observe Forman insisting that a layman should receive the tonsure after exercising the office for some years (98), or citing a person who has acted for thirteen years without tonsure, election, or confirmation to hear a successor appointed (306).

The pension system had extended even to this office. Alexander Stewart approved a compromise by which the holder paid twelve marks annually to his rival, and in the twelfth year Forman was called in to enforce the payment (299).

There was the usual tendency to make the office hereditary. A parish clerk resigned to secure his son's election, but a candidate in priest's orders also produced an instrument. Forman, engaged in affairs of state at Edinburgh, named a commissary, who gave decree against the priest and condemned him in expenses, *taxatione reservata*. The successful claimant

was to be put in possession on a Sunday at the time of high mass (297).

The emoluments of the office are described in quite general terms, the one specific item mentioned being *farrina clericalis* (ibid.)

One case deserves to be recorded. A "scholar" of St Andrews, aged six, the son of a priest and an unmarried woman, desired to become eligible for parish clerkships *per clericos seculares etiam conjugatos obtineri soliti*. Forman, who found that the child was not *paterne incontinentie imitator*, granted dispensation and gave him the first tonsure in the private chapel of the palace. The parish clerk of N., who was *clericus conjugatus*, forfeited his position for bigamy, having contracted marriage with a widow *in facie ecclesie*. Forman bestowed the office upon this child, and promised to confirm an election by the parishioners if it were in his favour, stipulating for a paid substitute (256).

In 1520 the community of the burgh of Haddington and the parishioners of its parish church of St Mary, as patrons, desired, on the death of the priest who had been clerk, to divert the emoluments for two chaplains serving personally in the choir, to be qualified like the other *choriste* in chant and discant. They presented to Forman W. L. and A. B., not yet priests owing to minority of age, who should be bound to become priests at the earliest possible date, and to pay henceforth a salary to the acting clerk. With consent of prior and chapter the change was made and the new chaplains invested *per anuli impositionem* (395).

In a case where the right of disposal devolved upon the archbishop for that turn, we find him investing the clerk by tradition of the biretta (255).

Other two documents refer to parish clerkships. In one case the chaplaincy of the Virgin in a parish church was insufficiently endowed, and Forman, on written evidence sealed by certain *principales* in the parish and after hearing witnesses, annexed the clerkship to the chaplaincy, stipulating that the parochial services should nevertheless be performed (8). In the

second case a claimant of a clerkship appealed from the Official of Lothian direct to Rome, and Forman, on the ground that the appeal had not been made within the statutory period, authorised the Official to cite the appellant and execute the sentence upon proof of *desertio* (53).

XVI.

Benefice granted to a boy for education :—

We find an interesting case illustrating the current conception that a benefice might properly be used for support during the years devoted to university education. The rector of a parish church resigned in Leo's hands, no doubt specifying his successor, and the pope granted it *in commendam* to a boy of twelve, with permission to appropriate the residue of the fruits after providing for service during a period of five years, after which he might receive collation (F., 138).

One of the documents in the Formulare (14) is in pursuance of the statute that beneficed persons should reside, or should proceed to the University within forty days, on pain of one-fourth of the fruits to be devoted to pious uses. The statute has not been effective, and the fine is to be rigorously exacted on fifteen days' notice. Forman further threatens to proceed to deprivation if the present device does not prove satisfactory. In the meantime payment is to be secured by means of sequestration. Other documents (15, 16) show the appointment of commissaries to proceed to deprivation, and also the appointment of a procurator-fiscal, within whose competence cases of deprivation for non-residence are to be included.

XVII.

Andreas etc. Dilectum nobis in Christo filium A. B. accollatum nostre diocesis, titulum sufficientem habentem et presen-

tantem habilemque ydoneum et in literatura sufficientem repertum et in matura etate constitutum ac moribus imbutum deque legitimo thoro procreatum per sacrarum manuum nostrarum impositionem infra missarum solennia ad sacrum subdiaconatus ordinem rite et canonice duximus promovendum et promovimus. In cujus rei etc. (F., 293).

In the case of a candidate from another diocese read "accolitum D. diocesis literas dimissoriales sui diocesani sufficientes presentantem ac titulum sufficientem habentem."

The compiler indicates that orders were conferred in the chapter-house (1) "sabbato dominice passionis," (2) "sabbato sancto pasche," (3) "sabbato quatuor temporum post penthecosten," (4) "sabbato quatuor temporum post festum exaltationis sancte crucis mensis Septembris," (5) "sabbato quatuor temporum mensis Decembris," (6) "sabbato quatuor temporum post primam dominicam quadragesime."

XVIII.

The documents in the *Formulare* give us some incidental information with regard to the correction of excesses in this period. In constituting a rural dean Forman gave him power to exact *procuraciones et synodalia et alia jura* owing to the archbishop, to make general and special visitations, to cite parochial clergy to *capitula* under pain of censure, and to correct churchmen and laymen discovered in excesses. For the archbishop's *commissarii majores*, however, were reserved *majores excessus* (undefined) and wills exceeding £40 when debts were paid. It was the dean's duty to confirm testaments, to grant executors in cases of intestacy, &c., always subject to the £40 limit, to repledge churchmen to the spiritual courts, and to answer at the diocesan synod for sums levied. This commission was to endure at Forman's pleasure (150). In another document the archbishop, who was busied in affairs of state, licensed a Dominican of St Andrews to preach in the diocese, hear confessions, and absolve *in foro conscientie dumtaxat*. Forman reserved the overlaying of infants, frauds in

connection with teinds and wills, and wilful perjury (254). Finally, considering the extent of the diocese, Forman appointed the sub-prior of St Andrews to be penitentiary-general north of the Forth and absolve clerics and lay of both sexes “ab omnibus peccatis et excessibus de quibus corde contriti et ore confessi fuerint, videlicet adulterii homicidii, oppressionis parvulorum, fidei mentite incestus ceterorumque reatum occultorum quorum nobis ut archiepiscopo absolutio de jure reservatur.” He was to enjoin penances, and receive penitents “feria quarta in capite jejunii primo quadragesime et feria quinta cene domini ut moris est”; he had power to dispense *in casibus a jure reservatis*, and to levy fines for the fabric of the metropolitan church or such pious works as Forman might determine; he could absolve for striking clerics *dummodo lesio non fuerit enormis*; he was permitted to appoint delegates, *doctos et sacerdotali dignitate predictos*; and his commission was to last during Forman’s pleasure (22).

XIX.

Forman approved a proposal from the parishioners of K., who, assembled in their church, agreed to found a chaplaincy of the Holy Rood, their nominee to conduct a public song-school for the Gregorian chant, the discant, and the organ. He was to receive “ex quolibet aratro constituyente octo boves arabiles infra parochiam, excepta baronia de D., duas firlotas ordeï annuatim ex quolibet cotario et aliis terras husbandales nuncupatas infra parochiam non habentibus, duas peccas ordeï” (F., 142).

XX.

CONFIRMATIO TESTAMENTI JURIDICE FACTI PER DEFUNCTUM.

Nos Andreas etc. hoc presens testamentum et bonorum inventarium ac executores in eodem nominatos, ipsis liberam bonorum hujusmodi committendo administrationem ac recepto ab eis primitus juramento solito et consueto de fideliter in officio executorie hujusmodi administrando et compoto nobis

vel commissariis nostris desuper, ut moris est, cum ad hoc legitime vocati fuerint reddendo, in omnibus suis punctis et articulis in quantum rite factum est approbamus, ratificamus, et tenore presentium confirmamus. In cujus rei testimonium, etc. (F. 62).

Testimoniale ad partes extramarinas quod quis est de legitimo matrimonio procreatus et habet succedere ad hereditatem cum constitutione procuratorum et donatariorum ad prosequendum hujusmodi hereditatem.

Archbishop Forman certifies to all sons of the Church that six "testes fidedigni," citizens of St Andrews, compeared before him and deponed on oath that A. de B. (who was present in court) was about 24 years of age, and brother germane of the late W. de B., "opidanus burgi de M. infra partes Zelandie"; that both were sons of the late R. de B. and Margaret N. his wife, and born in lawful wedlock (the witnesses being "de eadem progenie et parentela"). Hence "de jure naturali et civili ac canonico et secundum burgorum et civitatum infra regnum Scotie consistentium leges" A. succeeds "ad hereditatem terras et possessiones ac bona omnia mobilia et immobilia" of which W. died possessed, there being no children. A. could not conveniently go abroad, and named N. "opidanus et incola dicti burgi de M." as his "donatarius cessionarius et assignatus," transferring the goods *simpliciter* with full powers to recover and dispone. A. took corporal oath never to revoke this "et quotiens eum revocare per se vel alium contigerit toties eum et de novo tenore presentis instrumenti ad omnia premissa constituit," renouncing all privileges, exemptions, &c., in civil and canon law, whereby A. might protect himself against the premises, and especially the law "generalem renuntiationem non valere nisi processerit specialis et expressa" (F., 288).

XXI.

The *Formulare* indicates the procedure followed in the case of witnesses from another diocese. Forman, for example, asks

the Bishop of Brechin to cite certain persons in that diocese and have certain questions, which he encloses, put to them. Again, there are witnesses in Perth who cannot appear, owing to age, before a canon of Dunkeld, commissary of Gavin Douglas; and Forman, at the canon's request, deposes two rectors in Perth to take the depositions and send them, closed and sealed, to the party which requires the evidence (F., 196, 198, 199).

XXII.

CONSTITUTIO EXECUTORUM DATIVORUM.

Archbishop Forman had a petition from H. K. and E. G., his wife, daughter of the late F. G. The said F. G. made a will, with T. G., his son and heir, and others as executors, the will being written and subscribed by the vicar of the parish church of S. The executors were repeatedly warned by the Dean of A., at Forman's mandate, to submit the will for confirmation and pay the quota. Finally they were cited by the Dean of A. to compare before Forman or his chamberlain in the metropolitan church and hear "executores dativi" appointed, or show cause why they should not be appointed. The archbishop's procurator-fiscal compared before the chamberlain and showed the letters of citation duly executed and endorsed; he then caused N. B., priest of the diocese, and his "scriba" to call "trina vice" the persons summoned and to read aloud the citations and executions. As none compared, the procurator-fiscal then asked the chamberlain to pronounce them contumacious, and the latter decreed that executors should be given.

The petition further stated that F. G. left his property to be disposed for the salvation of his soul and in legacies; and the archbishop was asked, in virtue of his ordinary authority, to grant executors. H. K. and E. G., the petitioners, are made "executores dativi" to carry out the terms of the will (F., 236).

Archbishop Forman was petitioned by A. K. of N. and M. D.,

his wife, that N., relict of T. K. of B., made a will appointing two executors and Lord G. as "testamenti superior." The said executors "forsan sperantes justitiam consequi non posse," or for other reasonable cause, renounced the office before a notary after the death of the testatrix. The petitioners are made "executores dativi" of the will, which directed that the goods should be disposed "pro salute anime" and in certain legacies (F., 131).

Archbishop Forman was petitioned by J. N. (relict of A., Earl of C.) and T. C. of K., executors under A.'s will, which was written by his own hand in presence of a Dominican, his chosen confessor, at his castle of F., 20th N., 1515. A. survived till the current year (1518), and repeatedly, in the interval, expressed approval of the will, as was testified by the confessor.

Nos igitur . . . hujusmodi supplicationibus inclinati testamentum et dispositionem et singula in eis contenta . . . ac extra et ultra testamentum forsitan res et bona alia mobilia omissa necnon dictos executores . . . ratificamus . . . reservato tamen compoto et ratiocinio de fidei administratione juxta juris exigentiam et regni consuetudinem lapso anno nobis seu commissariis ut moris est reddendo. Datum sub sigillo nostro rotundo etc. (F., 141).

XXIII.

Various cases where the greater excommunication was declared or incurred are recorded in the *Formulare*,—the summary imprisonment of four priests by certain laymen (72); robbery and murder of a priest (74); violence used by a knight and his men to a vicar to intimidate him from acting in future (74); the harrying by some nobles of land belonging to the archbishop (75); a raid upon a monastery and the imprisonment of the abbot and six monks (77). In one case a church was broken into and valuables abstracted, notably £20 Scots belonging to the vicar, and both the vicar and the tenants of the church lands were injured to the extent of £100 Scots (327). The

pollution of a cemetery by the shedding of blood was visited with a sentence of greater excommunication (314).

In one instance we find Forman coming to the aid of a distressed laird, who complained that certain *dignitates* carried off his evidents, as well as plate, jewels, furnishings, rents, &c. The rural dean and the *curati* of two parish churches were directed to order restitution on pain of greater excommunication (155).

Clerics accused of homicide :—

(1) J. K., priest and chaplain, was accused in connection with the death of a layman in the town of S., and Forman, by edict on the cathedral doors, cited relatives and friends of the deceased to the chapter-house of St Andrews to prosecute *criminaliter seu civiliter* and, *in eventum succumbentie*, to hear J. K. acquitted ; but, being occupied by business of the realm, he appointed commissaries to hear the case (132, 133).

(2) The commissaries of Forman, who was occupied in business of the realm, heard the case of W. B., priest, accused of having art and part in the death of R. C., and as the father of R. C., likewise *consanguinei, amici, et affines*, was cited to the chapter-house of St Andrews, but did not compare, W. B. was acquitted (253).

(3) Forman directs the *curatus* of a parish church to cite the *clericus parochialis* to the aisle of St John the Evangelist in the metropolitan church to hear himself deposed for wilful homicide committed in St Andrews, and the election of a successor by the parishioners confirmed (305). Commissaries had been appointed to investigate the case (306).

XXIV.

Upon the death of a bishop the royal officers sequestrated the goods which he left in order to secure any debts which might be owing to the king. The testamentary executors had to appear before the Council, where the creditors stated their claims and were ordered to receive satisfaction. The Council

directed that the will should be put to execution, and took steps to introduce the proper persons into possession of the vacant castles, benefices, &c.¹

In the *Formulare* (44) we find Forman in process of paying off debts at Rome, which apparently were overdue, and to enforce payment of which the creditors had procured sentence of excommunication. The names of the bankers concerned are given.

Andrew Forman had succeeded in securing the transference of Pittenweem to his brother Robert, protonotary, and Dean of Glasgow; and the latter desired to avail himself of a resignation *in favorem* in order to provide for John Roul, his nephew. A notary was called, and Robert Forman appointed procurators in the Roman Court to resign his command, *interveniente Apostolice sedis beneplacito*, in favour of Roul, reserving for life all fruits, jurisdiction, administration, and pre-eminence in things spiritual and temporal, power to grant tacks, advowson of churches, *usus et habitatio loci et domus dicti prioratus*, and providing for immediate regress should Roul leave it vacant. Roul nominated the same procurators, and took the usual oath that there was no simony or illicit paction (F., 128).

A second instrument was then drawn out. Forman appointed procurators, binding him, on the security of his goods and benefices, *pro mediis fructibus sive annata* in the event of regress. Roul in turn appointed the same procurators, binding himself, on the security of his goods present and future, for an annate *in eventum cessationis perceptionis omnium fructuum R. F. possessori reservandorum*. The procurators were to swear that there was no *fraus, dolus, symonie labe, aut quevis alia illicita pactio seu corruptela* (ibid., 129).

The transaction at Rome was duly accomplished and approved; whereupon Robert Forman petitioned for *litere ordinarie conformes*, and the archbishop directed the *curati* of two parish churches to inform the parishioners and holders of priory lands that Robert Forman was now *usufructuarius* (ibid., 135). John Roul presented letters of Leo X. to the archbishop, wherein the

¹ Thenier, 527-8.

latter was delegated to receive the *professio*, a duty which was passed on to the sub-prior of Pittenweem as sub-delegate (*ibid.*, 235).¹

Another case, of a more honourable sort, may be quoted to illustrate procedure. The Archdeacon of Aberdeen (Thomas Myrtoun) was now over sixty years of age, and he was not able to visit *in propria persona*. He appointed procurators in the Roman Court to secure the provision of a specified coadjutor *in forma future successionis*, subject to the approval of the Holy See. This coadjutor was not to touch the fruits, exercise visitation, or enjoy the dignity of the office, without express licence from Myrtoun ; but his ultimate succession was assured (*ibid.*, 146).

¹ According to the compiler of the *Formulare*, this transaction took place in Andrew Forman's lifetime : as royal approval would be required, that would be the time to act.

ADDITIONAL APPENDIX.

I.

FORMULARE DOCUMENTS RELATING TO THE ADMINISTRATION OF LANDS, &c.

SEVERAL documents illustrate the duties devolving upon the Steward of the Regality, who was Thomas Dishington, designated also Captain of the Palace of St Andrews (cf. *infra* and Sibbald's Fife, iii. 1). Where the city of St Andrews was concerned, the archbishop's brief was directed to the Provost and Baillies. In one case they are asked to make inquisition through sworn citizens of St Andrews whether B. is legitimate and nearest heir to lands, tenements, and annuities of the deceased A., whether he is of age, what is the present value of the estate, and what was its value in time of peace, from whom it is held *in capite* and for what service, and in whose hands it now is (189); in another case, they are directed to appoint twelve citizens *fidedigniores* to determine the bounds of a tenement in South Street *secundum rectas et veteres divisas burgorum* (190); in a third, they are to see that *plenum rectum* is maintained for A., who holds a tenement in South Street hereditarily from the archbishop and renders *firma burgalis et servitium burgi* (191). But a brief of general inquisition (as above) affecting the regality was directed to the steward and his deputies, who summoned good men of the regality (189). Sometimes the steward is directed by Forman to give a widow her third part, the deceased husband having held of the arch-

bishop *in capite* (189); again, he is to have inquisition made as to who is nearest agnate of a minor, whether such agnate is over twenty-five, is capable of administration, and will immediately succeed should the minor decease, and if so, who is the most suitable cognate with whom the heir may be educated till his majority (190). In another case, the steward will summon men of the regality to mark out £10 lands in the village of C. and the barony of R. *sicut terre extendi solent tempore bone pacis*, give sasine, and report the details at the archbishop's chapel (190); again, he will see to the perambulation, *juste et secundum assisam terre*, of certain bounds in the barony of R., and will make the bounds to be observed (190); yet again, he will have inquiry made whether B.'s father died in feudal tenure of certain lands in the barony of R., excepting mortified lands, freeholds, annual rents, and dowries of women, if there be any; and if B. is nearest heir he will cite the unlawful holder and put B. in possession (191). In one case it is feared that the laird of B. is insane owing to his alienation of lands and goods, and the steward will have inquiry made whether there is an heir who is of age and capable of administration (191). Again, W. F. has complained that H. N. broke down his mill lade; the steward will restore W. F. in possession and direct H. N. to prosecute any injury in form of law (191). We have a retour upon a brief of general inquisition relating that the court was held *in pretorio civitatis* before T. D., steward of the regality (192), and a precept of sasine from Forman upon the retour, the lands having been in his hands for five years by reason of ward, and the heir having now come of age (192). There is also a retour upon a brief of tutory from Forman (194). An interesting precept from the archbishop directs the steward to give P. C. sasine of lands in the barony of R., evidently under the Act of 1474 (A. P., ii. 107); A. D. held of Forman *in capite*, but did not recover sasine, to the prejudice of A. C., his tenant (193).

The following is a catalogue of writs relating to lands held of the archbishop:—

(1) Forman's precept to his baillies in this part to infeft

J. L. of M. and E. S., his wife, in conjunct fee of the lands of H., barony of R., shire of Fife, which J. L. held of him and freely resigned (193).

(2) Forman's charter, with consent of prior and chapter, granting the lands of D. in Fife to N. in feu-farm. He alludes to Acts of Parliament recommending that crown lands and lands of prelates and temporal lords should be given in *emphyteusis*, *absque rentalium et commoditatis diminutione*, and states that Scottish ecclesiastics must, as Scots, hold these statutes binding. The acts were passed in the expectation that many improvements would be effected, that the holders would be wealthier and better equipped for military purposes, because of the security in tenure. Forman was convinced that these statutes were most beneficial, and, as the canons permitted perpetual *emphyteusis* of church lands, he granted the lands of D. to a faithful supporter (unnamed). The rental was six marks three shillings and fourpence; the feu-duty was to be double, *pro omni alio onere*. It was provided *quod si contigerit moneta Scotie vel cujusvis regni in Scotia cursum habentem ad altius pretium levare unde nos pauperiores efficeremur, N. et heredes pro duodecim marchis sex solidis et octo denariis decem uncias et dimidiam unciam argenti puri quod erit ad minus ellewyn penyfyne vel earum verum valorem persolvere tenebuntur*. At entry heirs will pay double the feu-duty and forty shillings to the chapter. Failure to pay for three terms will render the grant void (220).

(3) Forman's charter of new infeftment to B. W. in the lands of S. and the lands of A. (*alias* P.) in the barony of R. On becoming archbishop, Forman had called on his tenants in the said barony to produce their evidents. B. W. produced a charter of Bishop H. and the chapter in which the lands of A. were not mentioned; a new grant is made in consideration of a payment, to be assessed by commissaries. B. W. owes *vardas, relevia, homagia, et maritagia unacum sectis curiarum et cana ex antiquo* (221).

(4) At the same time J. R. of W. produced an instrument of sasine and a retour relating to his lands of W. in the barony of

R., which were held insufficient to determine the nature of the holding; he was able, however, to produce a confirmation by the prior and convent of an old infeudation. He also had the lands of B. (barony of T., shire of E., constabulary of H.), for which he could show an alienation by Bishop R.; and he secures, by paying a composition, a charter of new infeftment embracing both parcels of land for services as in 3 (*supra*).

(5) Forman's charter, with consent of the chapter, to his kinsman and servant John D., heir apparent of Adam D. of A. The latter had acquired hereditarily, from various persons, the lands of A., with the "Soytorlands" (shire of E., constabulary of H., barony of T.) These parcels, held under separate feus, Adam resigned at Dryburgh in order that they should be incorporated into one holding for his heir. The duty payable for one portion is £16, 13s. 4d. Scots, *tantum si petantur*; for the second portion, including the "Soytorlands," 10s., with three suits at Tynninghame *unacum vardiis releviis homagiis et maritagiiis*. By reason of the incorporation minor heirs may obtain sasine in the latter half, but the rents are reserved for the archbishop till majority, with relief and marriage. Adam holds the lands for life, and her third is reserved for E. M., his spouse (223).

(6) Lord Home held the lands of W. (shire of Fife) of the archbishop *in capite*; they are now in the king's hands by reason of forfeiture. James, unwilling to prejudice Forman's superiority, named a kinsman and counsellor acceptable to Forman, who now grants a charter on the same terms as Home enjoyed (224).

(7) The lands of R. in Fife were resigned to Forman by E. L., she and her late husband having had them in conjunct fee, and W. M., her heir, consented. The archbishop granted them to Sir J. M. of R., and subsequently to the said J. M. and M., his wife, in conjunct fee, to be held according to the terms of the ancient infeftment (225-6).

(8) W. C. of N. ("nobilis"), and K. B. his wife, sold to A. O. the lands of R. (barony of R., shire of E.), and resigned them in the hands of the king for the infeftment of A. O. and

his eldest son John in hereditary freehold, constituting A. O. their assign to redeem the lands and tenandry under a letter of reversion given to W. C. and K. B. by N. A. O. desired evidence that K. B. was not acting under constraint, and Forman, *aliis arduis prepeditus*, commissioned a parish rector to take the oath of K. B. and give authentic instrument to A. O. The rector in his judicial process reported that K. B. appeared in the parish church, her husband *extra ecclesiam semoto*, and in presence of a notary swore to her free consent (302-3).

(9) *Donatio sive verius venditio* of the ward and non-entry of G. (barony of R., regality of St Andrews, shire of Fife) to Sir A. B. of C., his heirs and assigns, with marriage of John R., son and heir of the late N., or marriage of other heir, and full powers to intromit. The grant is in consideration of a certain sum. A specimen of a similar sale (in vernacular) is appended (321-2).

(10) Forman, by gift of the king under the Privy Seal, has the ward, relief, &c., of "lands and annuals," both "proprie and tenandry," of the late J. D., and constitutes a kinsman of his own and his heirs assigns for the ward, &c., in consideration of a sum of money. The lands are £10 lands of old extent in the lordship of H., shire of L. (320).

(11) Forman granted the ward, relief, &c., of lands pertaining to the late J. D. to Sir A. B. of C., who in turn constitutes P. D. of L. and his heirs assigns for the ward, &c., during a term of sixteen years, in consideration of a certain sum and other *gratitudines*. P. D. will levy revenues, administer the lands, appoint officers, hold courts, exact fines, with the general powers enjoyed by A. B. (319).

(12) Henry K. of T. and J. D. his wife obtained by charter and sasine the fourth part of the lands of C. (regality of St Andrews, shire of Fife) from Robert D. of that ilk, in conjunct fee, paying yearly "four chalders of victuals": they bind themselves, their heirs, and assigns to resign all title to R. D., his heirs, and assigns, when the latter pays them a certain number of pounds in the gold and silver of the realm on the altar of St N. the Apostle, in the Trinity Parish Church of St Andrews, in

one day between sunrise and sunset, and in one sum ; and they promise to appear to receive payment at twenty days' notice. If they fail to appear, R. D. will have free regress without judicial process, and the sum will be put in keeping for the heirs of H. K. and J. D. Forman, as superior, confirms the reversion, and guarantees R. D. immediate regress (333-4, 405).

One of the documents illustrates Forman's procedure against tacksmen of lands and teinds whose payments were in arrear. An edict was posted on the doors of the cathedral commanding them, within three weeks and on pain of excommunication, to deliver their rents at the granary in the Castle, or elsewhere in St Andrews, according to custom, and a list of defaulters was appended (52).

Another document appointed special commissaries to secure payment for mensal lands and teinds given in tack, feu-farm, blench-farm, or in name of annual rent. In these transactions priests as well as laymen were involved ; and the penalty for default was, in case of the former, suspension, of the latter, excommunication. If need were, heavier penalties would be imposed, and the secular arm invoked (301).

II.

FORMULARE DOCUMENTS RELATING TO THE ERECTION OF BENEFICES, &C.

Archbishop Forman made the rectory of the parish church of F. into a prebend of St Salvator's, and at the same time turned the vicarate pensionary into a vicarate perpetual. He stated as a reason that in the collegiate church there were *pauci admodum ministri* and at the same time *ingentes continuique ad divinatorum celebrationem labores*, while in the church of F. there was *magna animarum cura*, and only a vicar pensioner receiving 20 marks Scots *cumcrofta et manso*. The rector had petitioned Forman,

who professes himself desirous *divinum in dictis ecclesiis nostro nunc in tempore augere famulatum*; but it is evident that the ambition and convenience of the petitioner were fully considered, if something was at the same time done to cure the parochial abuse. The prebendary enjoyed *nobilitas sanguinis*, and we are told that his "life, conversation, learning, and character" were in keeping with his birth, so that he merited a grant which would conduce to his "advantage and honour." He had the great teinds of F., from which he paid 40 shillings annually to his *cantor*, and he had the right to use the manse for the reception of the ordinary at visitation or when he himself came down *pro suis decimis collocandis*. Upon the prebendary fell the burden of repairs *tam circa altare quam circa chorum ecclesie* and the reception of the *visitatores*. The vicar perpetual, who was presented by the prebendary, enjoyed the remainder of the fruits, of which our document specifies *lanum et linum agnos vitulos caseum oblationes mortuaria jura funeraria*, and out of which he must bear the burdens due to the Archbishop and the Archdeacon of St Andrews. The vicar pensioner who had previously acted was to receive his stipend for life from the vicar perpetual (105).

There are other cases quoted which show varieties of detail, and illustrate especially the different kinds of vicars.

(1) The vicarate perpetual of M. is erected, with consent of John Hepburn and the convent, as patrons, and of the holder, into a prebend of St Mary's on the Rock. A vicar pensioner, to be presented by the prebendary and by the prior and convent in alternation, and to be collated by the archbishop, has a reservation of £10 Scots from the prebend *unacum manso et gleba*, and is free of burdens. The prebendary pays 40 shillings annually to his *cantor* (102-3).

(2) The parish church of D. was a prebend of St Mary's on the Rock, and the existing vicarate pensionary was now erected by Forman at the instance of Master A. C., the prebendary, into a *vicaria perpetua seu integra*. The vicar perpetual, presented by the prebendary to the archbishop, has all fruits of the vicarate *cum manso, reservato tamen eodem dicto prebendario*

quotiens advenierit,¹ he will bear archiepiscopal and archidiaconal burdens, except (1) the freewill subsidy, (2) reception at visitation, and (3) the *cura ecclesie*; he will also pay the *cantor*. The motives given in the narrative are the increase of divine service and the exemption of the prebendary from the cure (103-6).

(3) The rector of A. desires, during his time, to have exemption from the cure. Forman erects the temporary vicarage pensionary of £20 Scots free of ordinary and extraordinary burdens, *unacum manso gleba et terra ecclesiastica cum suis pertinentiis*. The rector presents a priest, who is provided by Forman (107-8).

(4) The patron, who is an earl, requests the annexation of the parish church of A., with its patronage, rights, and pertinents, to the collegiate church of M. Forman, with the consent of his chapter, accedes, reserving £10 Scots for a vicar pensioner, to be presented by the provost and chaplains of M. *post dimissionem moderni possessoris*. The vicar will have the manse: burdens will be borne by the fruits of the church, and the provost of M. will be responsible for repairs (109).

(5) Sir W. K. of N., knight, requests that the parish church of S. be erected into a prebend of St Mary's on the Rock, and Forman, with consent of his chapter, accedes. In St Mary's (*capella regia collegiata*) there is a *paucitas personarum*, who are only eight. The patronage is with the petitioner, and the collation with the archbishop, who reserves archiepiscopal and archidiaconal rights, ordinary and extraordinary, and stipulates for "a sufficient portion for a vicar." The prebendary will be subject to the see of St Andrews, except *infra capellam regiam collegiatam et clausuram sibi annexam*; he will keep (*secundum morem capelle*) a chaplain, *qui tam missas quam matutinas vespervas et alias horas qualibet ebdomada sua cantabit*. The provost, canons, and chaplains who are resident in St Andrews shall, on the day before the anniversary of Forman's death, and at three or four in the afternoon, assemble in the choir and celebrate for him and his predecessors *vigilias mortuorum*, followed by *missa in crastino de Requie ut moris est*. Forman

¹ *I.e.*, pro receptione nostra seu decani in visitationibus ac pro decimis colligendis.

adds his free consent if the king and the patron should desire to transfer the prebend *ad aliud collegium fundatum seu fundandum* (110-1).

(6) The lay patron and the rector of O., out of devotion for St D., to the increase of divine service, and for the relief of the rector himself, desire the appointment of a vicar pensioner. His stipend shall consist *ex oblationibus financiis paschalibus minutis decimis et ceteris emolumentis altario ecclesie spectantibus ac decimis garbalibus ville de K. cum mansione et quatuor acris terre eidem contigue adjacentis*; he shall be responsible for *procuraciones* and *synodalia*, the visitations of the rural dean, and other ordinary burdens, but not for the freewill subsidy. Forman erects the vicarate (234).

(7) A Benedictine monastery was an ancient foundation, but the work was not yet complete, and the larger buildings would in all likelihood become ruinous owing to hostile incursions, which had diminished the rents and devastated the lands. Forman, therefore, with the consent of his chapter, annexed a church to the monastery. The vicar perpetual was to receive twenty marks Scots; the residue would be devoted to the monastery and its fabric, after ordinary and extraordinary burdens had been met (127).

(8) The rector of T. obtained from Forman the amplification of the vicarate pensionary into a vicarate portionary. The *pensio* was inadequate for the honourable maintenance of the vicar, or to enable him *hospitalitatem et alia onera incumbencia sustinere*, and the cure was a heavy one. The vicar portioner shall have the vicar's fruits, except wool and lambs, and shall be responsible for ordinary burdens (111).

(9) The vicar pensioner of S. complained to the archbishop that his *pensio* of ten marks was insufficient. The cure was heavy, and he could not discharge the duties without assistance (124).

The practice of exchange may be illustrated :—

Forman authorised Archbishop Beaton to receive the resignation of the rector of K., in St Andrews diocese, and confer the benefice on a perpetual vicar of Glasgow diocese, the patron

of K. (*R. dominus Creichtoun de Sanguhar et dominus baronie de K.*) having consented. The rector resigned *per biretti traditionem*, and Beaton proceeded to confer (113).

III.

FORMULARE DOCUMENTS RELATING TO CHURCHES.

ST GILES'.

(1) Forman, on petition from the *decani artium lathomorum et carpentariorum* of Edinburgh, and the *magistri fabrice* of the altar of St John the Baptist and St John the Evangelist in St Giles', confirmed statutes for the repair of the altar and the maintenance of the chaplain as approved by the community of the burgh. The statutes, which are not inserted, concerned *lathomi, carpentarii, cuparii, vitrarii, arcuarii, tectores, domorum vallatores et eis adherentes* (5). A process charged the *curati* of St Giles', Holyrood, St Cuthbert's, and Restalrig to warn the craftsmen and their adherents (the list of names having been appended in the original) to observe the statutes and see that within nine days the *decani* and *magistri* were satisfied *pro apprentitiis et introitibus magistrorum ad libertatis artium*, that the *decani* received *le devites*, and the chaplain the usual food, drink, and *salarium*. Intervals of nine days were to occur between excommunication, aggravation, and re-aggravation (6).

(2) Forman, addressing W. F., *curatus et presidens* of St Giles', warns the prebendaries to obey Master R. C., the provost, in the statutes which concern them. Officers are customarily appointed by the provost and chapter at Easter; no others, especially collectors, are to be recognised till next Easter, on pain of suspension. Any meeting to frame statutes contrary to the old, or any removal of persons from office without the consent of R. C., or the *presidens* exercising his powers for the time, is forbidden on pain of suspension (94).

(3) Forman relates that John C., *presbyter in cantu et discantu sufficienter eruditus*, was presented to him by the chapter for the prebend of R., because the provost and baillies of Edinburgh had nominated N. H., a person without these qualifications, and that R. H. claimed election *per maiorem partem communitatis burgi*. The archbishop appoints commissaries to decide the case (7), and afterwards, apparently, directs the *curatus* to cite N. H. to hear his collation reduced in favour of R. H. (117). In another document Forman confers on Master N., his *familiaris*, the prebend of K., vacant by A. B. entering a Benedictine monastery (120).

COLDINGHAM.

Archbishop Forman, on the narrative that David Home, Prior of Coldingham, was cited to St Andrews at the instance of the king and Albany, and was reported to have fled to England after dissipating the goods, appointed Master R. B. (Robert Blackader), protonotary, to act as "yconomus," directing him to retain surplus funds in case Home should return. Subsequently, as Home and his supporters had entered Coldingham by force, Forman issued a "monitorium penale executivum ad omnes censuras" against him (9-11).

On the judicial deprivation and death of Home, Albany nominated Blackader, who was to relinquish his prebend of Glasgow in that metropolitan church to John F. (Forman), the precentor; but by agreement Blackader retained the prebend, and promised to secure the dismemberment from Coldingham of two parish churches (E. and S.) with their great teinds, likewise the great teinds of the village of K. (within the "parochia" of the church of A.), the whole not exceeding £60 sterling. Archbishop Forman, as legate, personally ratified these terms. This appears to have been the conclusion of a controversy, and we know that J. F. at one stage secured, in the presence of Albany, the promise of a pension of 300 merks Scots from Blackader (39, 97).

ST ANTONY'S, LEITH.

Forman recommends to parochial clergy in certain parts of the diocese the procurators of this house, which is in need of money for repairs to the church and for the maintenance of those doing service (151).

VISITATION OF A NUNNERY.

Four nuns complain that the Prioress of E. neglected corrections made by Forman's commissaries, appropriating the goods, leaving the nuns scarcely enough for food and clothing, and suffering the place to go to ruin. Forman directs his commissaries to make a new and thorough visitation (54).

IV.

FORMULARE DOCUMENTS RELATING TO CHURCHMEN, &C.

(1) Sir W. F. of R., Knight, presents to Forman T. B., *clericus accolitus ad titulum decem librarum de terris de R. annuatim* (till he gets a richer benefice), asking for promotion to be sub-deacon, deacon, and priest (295).

(2) Forman, finding that a chaplain in a parish church is an incurable leper, appoints a coadjutor, who swears to supply the chaplain with necessaries of life, serve the altar, defend the liberties of the chaplaincy, and alienate nothing. A coadjutor is also given to a rector, who is a leper, under similar conditions (56-7).

(3) Forman relates that a priest, for salvation and pardon, desires to visit the *apostolorum Petri et Pauli de urbe limina seu dirum Jacobum apostolum in Compostella* and other sacred places, and testifies to his priesthood and character, commending him to all the faithful (287).

(4) Forman grants *litere conformes* to a clerk to whom Leo X. has given a rectory *in commendam* (April 28, 1516). He is

thirteen years old. He will use the residue of fruits after the support of the church, and at eighteen the rectory will be conferred upon him (138).

INDULGENCES.

(1) Forman gives his commissaries in this part the power to appoint confessors, secular or regular, for the confessions of all "ad nostram ecclesiam hoc tempore indulgentiarum Sancti Michelis confluentium" and enjoin suitable penance, absolving in virtue of apostolic indult (56).

(2) Forman, for the repair and adornment of a parish church, remits to penitents giving goods or aid 40 days "de injunctis penitentiis" (55).

(3) Forman narrates that the bridge over the Tay at Dunkeld, partly built by Bishop Brown and completed by Gavin Douglas ("pons magnus et notabilis ex lapidibus, sectis et quadratis edificatus super quo quadrigæ currus equi etc. transire poterunt"), was broken down by flood in February, and by apostolic authority grants to all "penitentibus et confessis" who aid in repair a remission of 900 days (54).

(4) Forman has letters from the "commissarius generalis preceptoris hospitalis Sancti Spiritus in urbe Romana" anent indulgences granted by several popes, and directs the clergy to explain the letters "ad vulgaris populi intellectum" (64).

A CLERICAL CONTRIBUTION TO THE CROWN.

Forman, addressing a rural dean, orders within 15 days, and on pain of sequestration, the payment of £100 Scots, being the quota of a certain monastery towards a *contributio gratuita* granted by the clerical estate (298).

A BORDER THIEF.

Forman notifies the Bishop of Durham that W. R., a notorious robber, was excommunicated a year since by himself, and requests that the body of this person, who fell in a raid on

Scottish subjects and was buried near the altar of a church in Tynedale, he exhumed and deposited in profane ground (195).

DISPENSATIONS FROM VOWS.

(1) Forman dispenses with a layman who vowed he would go to the house of St John of Jerusalem at Rhodes and the war against the Turk. He was now, he said, poor, old, and weak. The money which he would have spent is to be devoted to pious objects, while fasting, prayer, and the giving of alms are substituted for the toils of the journey (211).

(2) Forman gives dispensation to a laird, who is in bad health and cannot observe a special vow of fasting or other fasts, provided that *unum pauperem semel in ebdomada sustentet* until he recovers (ibid.)

(3) Forman grants dispensation to a layman in prison, who had vowed not to eat flesh *donec sanctum sanguinem peregre visitaret*, on condition that he gives one penny per day for some poor person (212).

END OF VOL. II.

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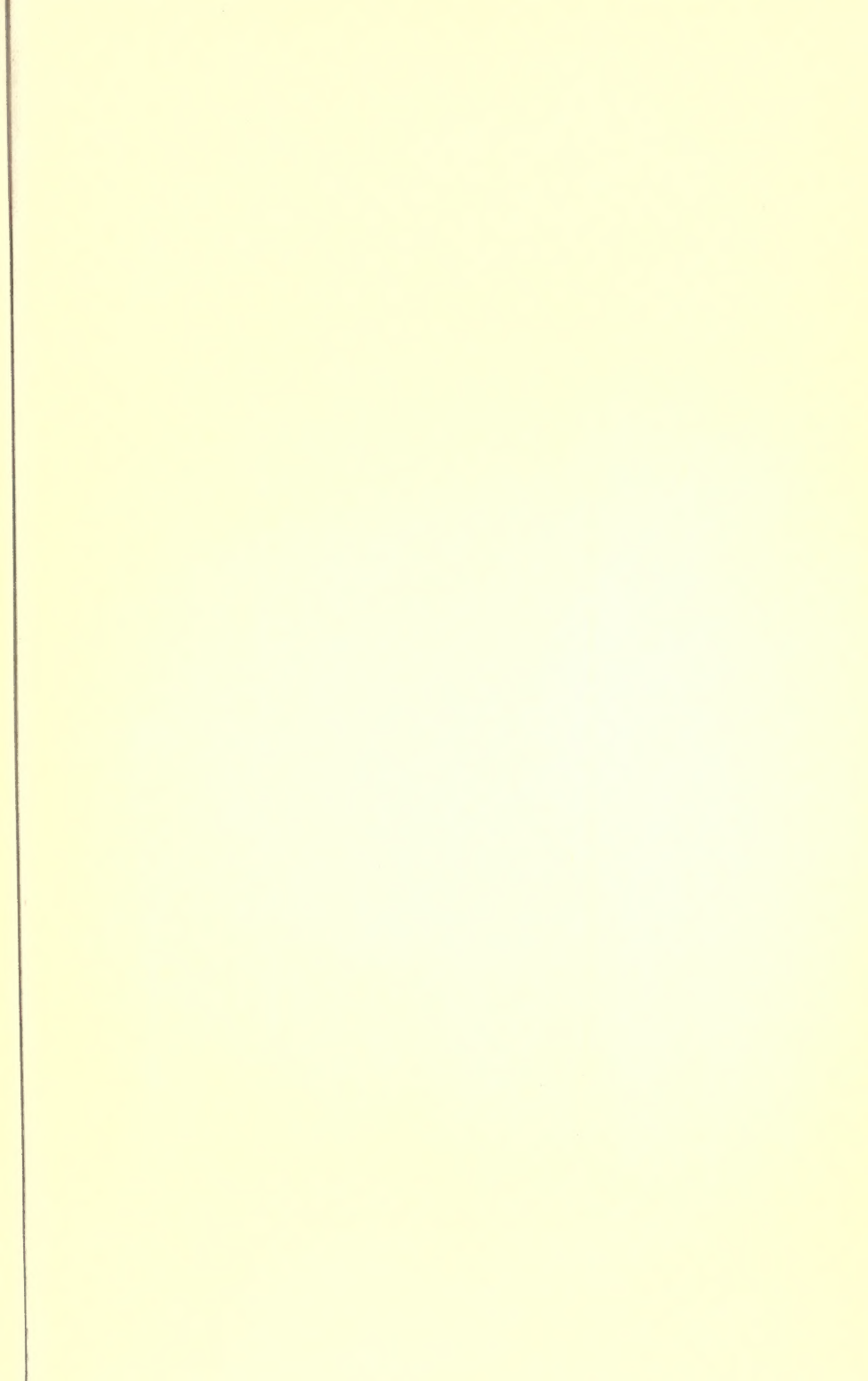
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